



Re-integration of Prisoners

Forum Report No. 22

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Contents

	<i>Page</i>
Foreword	vii
Section I Introduction and Overview	3
Section II Setting the Context	19
Section III Policy Implementation – Obstacles and Barriers	35
Section IV Non-Custodial Options	57
Section V Promoting Re-integration by the Way Prisons Operate	69
Section VI Promoting Re-integration: Pre- and Post-Release Strategies	83
Annex I References	97
Annex II Project Team’s Terms of Reference	101
Annex III Consultation List	102
Annex IV Summary of Written Submissions	104
Annex V Examples of Re-integration Initiatives	112
Terms of Reference and Constitution of the Forum	119
Membership of the Forum	121
Forum Publications	124

List of Tables

		<i>Page</i>
Table 2.1	Profile of the Prison Population in Custody Under Sentence on 1 June 2000, by Age and Gender	21
Table 3.1	Options Regarding Institutional Reforms	50
Table 4.1	Imprisonment Rates in the European Union, 1999	62
Table 4.2	Trends in Prison Occupancy 1995 – 1999	62

List of Figures

	<i>Page</i>
Figure 1.1 Flowchart of the Proposed Sanction Process	6
Figure 1.2 Flowchart of Proposed Institutional Reforms	7
Figure 2.1 Indictable Offences Recorded 1985 – 1999	20
Figure 2.2 Persons in Custody Under Sentence on 1 June 2000 by Gender and Length of Sentence	22

List of Boxes

		<i>Page</i>
Box 1	Summary List of Project Team's Recommendations	8
Box 2	Reducing the Prison Population – the Finnish Experience	23
Box 3	Key Lessons from Consultation Visits by the Project Team	30
Box 4	Typical Day in a Closed Prison	41
Box 5	Harristown House, Castlerea, Co. Roscommon	46
Box 6	Project Team's Visit to the Training and Education Facilities in the new Midlands Prison	74
Box 7	Project Team's Consultation with Women Prisoners	87

Foreword

The Forum believes that the present Report comes at an opportune time and is submitted as an input to policy evaluation and the process of important changes that the Government has been initiating in our penal system, with particular reference to the Prison Service, the Probation and Welfare Service, and the Parole Board.

The successful re-integration of prisoners raises a wide-ranging and complex set of policy issues, both at the design stage as well as in the subsequent stages of implementing and monitoring these policies.

The Forum's terms-of-reference, as given to it by the Government, centres on equality and social inclusion issues. This was an important topic, therefore, for the Forum to pursue, against the background that the majority of our prisoners have the most disadvantaged backgrounds in our society, leave prison lacking the skills and resources needed to find a job and accommodation. Consequently, they find it very difficult to settle back in mainstream society, with the result that we have one of the highest recidivism rates (approx. 70 per cent) in Europe.

The focus of this Report was, therefore, to examine how this cycle could be broken, in the best interests both of the individual prisoner as well as that of society as a whole.

In undertaking its work, the Forum's Project Team that prepared this Report found that there were many worthwhile recommendations from a variety of official and well-regarded reports in the past dealing with the more successful integration of prisoners. But these were either neglected or at best were not as fully implemented, as they should have been. For example, many of these reports recommended the increased use of non-custodial options, but follow-up action in implementing has been slow and irregular. This is all the more surprising, given that the annual running costs of our prisons now amounts to nearly £200 million (or almost £1,000 a week per prisoner, compared to about £40 – £60 per week for community service or a supervision order) and yet, paradoxically, our imprisonment rate is double that of England and Wales and quadruple that of the Scandinavian countries.

The Forum's new mandate stresses the importance of policy implementation and evaluation through project teamwork and the present Report amply demonstrates the importance of this approach. Indeed, it is encouraging to note that the Prison Service has publicly acknowledged the input of the Project Team's work in its recently-published *Strategy Statement 2001 – 2003*, which outlines the key objectives and targets for the Service over the next three years.

The Team's underlying approach, of balancing practical policy recommendations with complementary proposed institutional changes to spearhead and ensure that these recommendations are followed through, is extremely useful in this respect.

The Report puts down a challenge to all of us – politicians, employers, trade unions, the very wide range of community and voluntary sector organizations working for prisoners, officials and indeed as private individuals in our daily lives – to contribute and play a role in prisoner re-integration. It identifies very innovative examples where this is already happening, often locally-based, at modest levels and at little charge on public funds.

Finally, a draft of the Report was discussed at the Forum's Plenary Session on 2nd October last and was very well received by the Forum's Members as well as the wide range of invited Guests. Following up on this, the draft was amended to take into account the comments and suggestions made on that occasion and these are incorporated in the attached final version of the Report, which is now submitted for consideration by the Government.

Section I

Introduction and Overview

Introduction and Overview

- 1.1 The focus of this Report is on the re-integration of prisoners into mainstream society. This topic has the potential to be extremely broad. So, in keeping with the Forum's mandate regarding social inclusion and equality, we have focused on those prisoners who are from disadvantaged backgrounds, are at high risk of marginalisation on release back into mainstream society, and are repeat offenders or at risk of re-offending.
- 1.2 Crime is a key concern of society. Garda Síochána figures show a drop in crime rates since the mid-1990s, but Central Statistics Office figures indicate that about one in eight of households are affected by crime in any one year (Central Statistics Office, 1999). Many factors have been used to explain this drop in crime – the prison-building programme, the buoyant economy, the under-reporting of crime and improved health care for heroin addicts, for instance.
- 1.3 On the other hand, the prison population is increasing (the average number of prisoners in custody is up one-third between 1995 and 1999) and the prison service costs in the region of £200 million (€254 million) per year. This increase is in part due to the rise in the number of committals to prison – up 8 per cent between 1995 – 1999, the prison building programme making more spaces available, a reduction in the use of temporary release and the increase in prisoners serving long-term sentences (one in seven of all male prisoners are sex offenders, for example).
- 1.4 There was an overwhelming consensus in recent years, from official reports and the groups we consulted, that prison should be used as a last resort and for serious crimes only, more resources should be directed to the development of community sanctions and measures, much more needs to be done to make time in prison more productive for prisoners and extra help is needed around the re-integration of prisoners back into society.
- 1.5 All of these proposals are extremely sensible, so we were left to question: why was policy implementation so slow in this area and what were the barriers and obstacles?
 - It certainly cannot be down to the numbers involved – our prison population is in the mid-range compared to other European countries. The average daily prison population, currently about 3,200, is of a manageable size and the one-to-one ratio of Prison Officers to prisoners would indicate considerable scope for re-integration work.

- Nor can it be financial considerations – a prison place costs in the region of £50,000 per year to maintain, while the average probation client costs a fraction of that.¹
- Nor can it be attributed to a lack of understanding or commitment by officials. The Department of Justice, Equality and Law Reform’s own policy documents support the placement of greater emphasis on prisoner re-integration.
- Nor can it be accounted for by public demand for higher imprisonment rates – the Crime Forum (1998), for example, found a broad-based consensus that imprisonment is not the best way to reduce crime.

1.6 ***Our analysis concluded that the missing link between policy design and agreement on the one hand and policy implementation on the other hand was the lack of coherent implementation mechanisms or models to be followed.***

We address this issue in detail in Section III and conclude that more focused and targeted implementation mechanisms are required to ensure that the public and policy consensus that has emerged over the last fifteen years concerning the re-integration of prisoners back into society is put into action.

1.7 We also recognise that prison is a particular point in a process and in the Report we examine how prisoner re-integration can best be advanced at all stages of this process. In Section IV, we consider the use of non-custodial options; in Section V, we look at the operation of the prison system to see how time spent in prison can be used more meaningfully; and in Section VI we focus on pre- and post-release strategies.

1.8 Our vision for the future of the prison system can be briefly summarised as follows and is outlined in Figure 1.1 below. The institutional reforms and mechanisms proposed to achieve this vision are outlined in Figure 1.2.

- The planning and provision of services for prisoners should be radically reformed and be centred on prisoner re-integration. This will require that *all* prison planning and activity is assessed to ensure that it assists in this goal; a key requirement is motivating prisoners to address their offending behaviour and to prepare for a more law-abiding life on release.
- The Prison Service should establish a Re-integration Group at national level to devise, monitor and evaluate a prisoner re-integration strategy.
- This Group would provide the strategic framework which would be cascaded down to Inter-Agency Steering Groups at local prison level to

1. For example, the Expert Group on the Probation and Welfare Service (1998) estimated that the cost of a community service order was about £37 (€47) per week and the cost of maintaining an offender on a supervision order was about £3,000 (€3,810) per annum.

facilitate the development of a more integrated approach to prisoner re-integration.

- The Business Plan of each prison should specifically address prisoner re-integration.
- In turn, an individually-tailored Positive Sentence Management Plan should be drawn up for and in consultation with each prisoner. This Plan should focus on addressing their needs and preparing them for their successful re-integration into society on release.
- The success of this strategy would be considerably enhanced through reducing further the numbers of people sent to prison for short sentences, and so greater use of non-custodial options (for example, restorative justice) is called for.

Finally, a crucial requirement for success in all of the above is for the individual prisoner to take responsibility for preparing themselves for a more law-abiding life on release. This point is well articulated in the following extract taken from a written submission to the Project Team made by a prisoner:

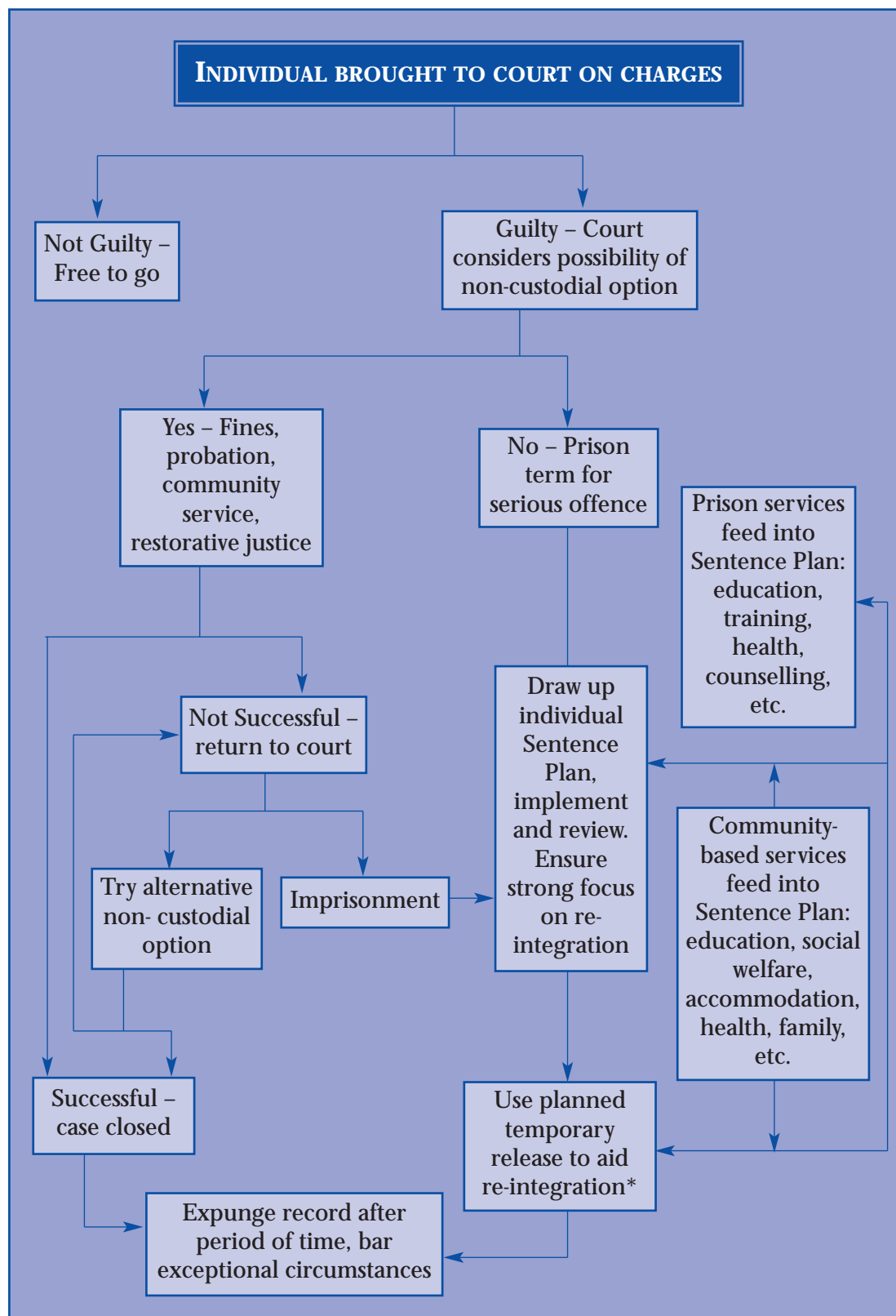
“ The word rehabilitation comes from the Latin: to make able. This is your chance – give us the incentive to change. Help make us able to survive in today’s society and give us a chance to succeed in a normal life. The re-integration of prisoners into society would become easier. Ex-prisoners would have the skills to carve out their own nook and the education to survive. Don’t wait until we are near release or relapse to try and change us. Start at the beginning, make the change our own choice and it will become part of our psyche.

Most of us don’t want to be what we are and that is the point. Give us the incentive and watch the change.”

1.9 The Team’s priority recommendations are:

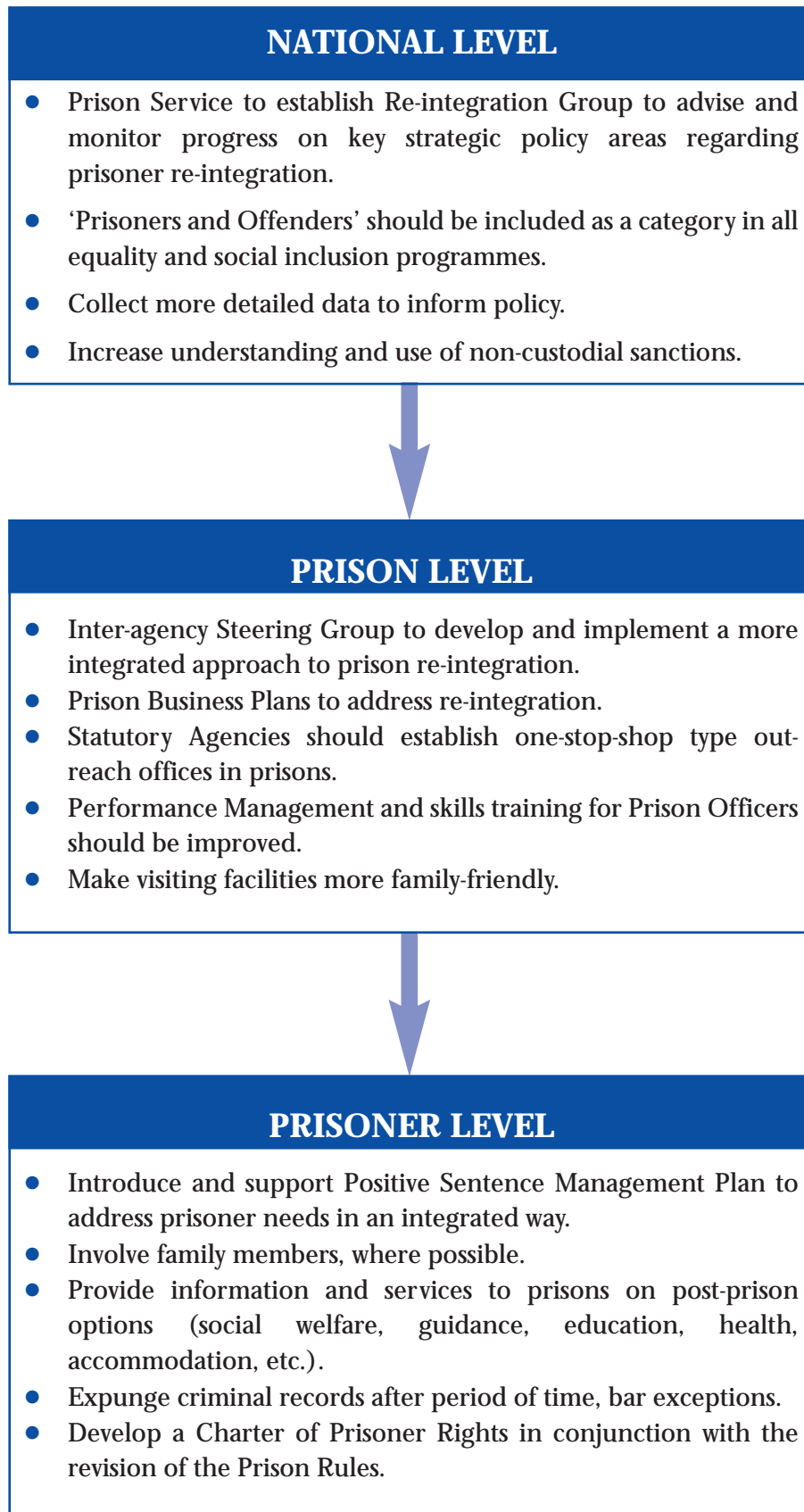
- Increase the use of non-custodial options;
- Increase emphasis on re-integration throughout the prison system;
- Introduce Positive Sentence Management, and involve all stakeholders;
- Develop more planned and integrated after-care for prisoners on release;
- End discrimination on the basis of a criminal record, bar exceptional circumstances; and
- Increase data gathering, monitoring and independent evaluation to better inform policy development.

Figure 1.1 Flowchart of the Proposed Sanction Process



* The Parole Board will make recommendations to the Minister for Justice, Equality and Law Reform in relation to the release of long-term eligible prisoners (see 5.5 below).

Figure 1.2 Flowchart of Proposed Institutional Reform



1.10 A summary list of the Team's main recommendations follows in Box 1.

Box 1

SUMMARY LIST OF THE PROJECT TEAM'S RECOMMENDATIONS

(The number references are to corresponding paragraphs in the Report)

Data and Research Issues

- 1.14** More detailed and timely empirical information and research should be collected and published on the nature and effectiveness of the Irish penal system.

Sentence Planning

- 3.36**
- All prisoners under sentence should have a comprehensive Sentence Plan developed on committal, by multi-disciplinary teams in conjunction with the prisoner, with re-integration as a key goal and covering a range of issues such as Substance Abuse (3.32), Education (5.19), Health (5.23) and Family Supports (5.36);
 - Information in relation to the offender and the crime committed (including victim statement, if available) should help inform the details of the Sentence Plan;
 - The Sentence Plan should be monitored on a regular basis; and
 - The system should be independently evaluated and best practice shared across the prison system.

Institutional Reforms

- 3.44** The Department of Justice, Equality and Law Reform, should prepare, on the basis of consultations with the interests concerned, a report on the most effective institutional mechanisms to lead, oversee and implement the changes recommended in 3.36 above; this should be done within six months and submitted to the Cabinet Committee on Social Inclusion for consideration.

The Prison's Role in Re-integration

- 3.46** An Inter-Agency Steering Group should be established in each prison, to formulate detailed plans for prisoner re-integration. The Group should identify barriers, devise solutions to these barriers, develop links with community-based services and share best practice. Each Group should submit an annual progress report on its plans to the Prison Service National Re-integration Group recommended in 3.48.

- 3.7** Each prison, in developing its Business Plan, should specifically address prisoner re-integration, based on wide consultation, with goal setting and regular reviews.

The Prison Service's role in Re-integration

- 3.48**
- The Prison Service should establish a Re-integration Group of key interests at national level to devise, monitor and evaluate a prisoner re-integration strategy to inform the work of the prison-based Inter-Agency Steering Groups recommended in 3.46 above and to advise and monitor the implementation of a package of measures to address prisoner re-integration (dissemination of best practice, involvement of stakeholders, review of prison regimes, etc.).
 - A Sub-Group of the Re-integration Group should examine issues relating to sex offenders, as a matter of priority.

Voluntary and Community Sector

The Department of Justice, Equality and Law Reform should:

- 3.49** Give greater recognition to the role of voluntary and community organisations and encourage the further development of this sector to access the experience of interest groups and feed into policy formulation and implementation; and
- 3.50** Add the category “offender peer support work” to their list of financially supported voluntary and statutory organisations.

Poverty, Equality and Crime

- 4.4** The Team recommends that the category of “prisoner and offender” should be included and assisted in all social inclusion strategies, at both national and local levels, with particular reference to the National Anti-Poverty Strategy.

Non-custodial Options

- 4.19** A range of actions (covering the Judiciary, the Social Partners, the general public and schools) should be undertaken to increase awareness and use of non-custodial options.
- 4.26** The Department of Justice, Equality and Law Reform should continue to support and expand the number and range of restorative justice projects, subject to evaluation findings.

The Way Prisons Operate

- 3.18** Future plans for prison buildings or refurbishments should be assessed at design stage to ensure that they allow regimes that are re-integration-friendly, drawing on best practice (national and international).
- 5.8** An independent mechanism, similar to the Ombudsman, should be put in place for prisoners and a Charter of Prisoner Rights should be developed in conjunction with the revision of the Prison Rules.

Training and Education

- 5.19**
- Training and Education needs should be considered as part of the Sentence Plan and should include self-development, education skills, training needs and career guidance;
 - Certification and accreditation should be provided, where appropriate;
 - Prison Business Plans should set targets for training and education services, to be monitored and independently evaluated; and
 - An independent evaluation should be undertaken of the education and training services.

Health and Treatment Services

- 5.23**
- The National Health Strategy should make specific reference to the health needs of prisoners;
 - Prisoners health needs should be considered as part of their Sentence Plan; and
 - Health partnerships between the relevant Departments, the Prison Service and the Health Boards and others should be further developed in the delivery of services in prisons and on release.
- 3.23**
- Offenders with severe mental health problems should be diverted before or at sentencing from the prison system to appropriate alternatives; and
 - A strategic plan for the treatment of prisoners with mental health problems and substance abuse and/or alcohol problems should be designed and implemented, in the context of Sentence Planning.
- 6.14** A full range of counselling services should be provided, monitored and independently evaluated, with delivery targets.

Substance Abuse

- 3.32**
- Continuity of drug treatment between prison and community should be ensured;
 - Health and treatment partnerships between the prison system and the community should be further developed; and
 - Flexible methadone distribution systems should be introduced to ensure stable users are able to take up and keep employment.

Prison Officers

- 5.29**
- The Prison Officer's role in the re-integration of prisoners should be recognised and enhanced;
 - Induction and on-going training should develop their skills in this regard, with particular attention given to inter-personal skills, counselling, communication skills, cultural awareness and anger management.

Family Supports

- 5.36**
- A prisoner family support strategy should be developed in each prison, as part of their Prison Management Plan;
 - All visiting facilities should be to the highest standard, and include family-friendly facilities;
 - Low-income families and those travelling long distances to visit should be given additional supports;
 - Independently-run Visitors' Reception Centres (with crèche facilities, refreshments, etc.) should be available in all prisons; and
 - These Centres should consider developing out-reach services and post-release family supports, in consultation with others and as part of the Sentence Management Plan.

Supporting Re-integration

- 3.11** Targets should be set to enhance the resources and functions of the Probation and Welfare Service.
- 6.3**
- Out-reach offices ('one-stop shops' idea) with a liaison officer should be provided in all prisons by relevant statutory services, including the development of links with local community services; and
 - A strategic alliance should be developed between the Connect Project, the Linkage Programme and other employment initiatives, where possible.

6.10 Consideration should be given to the development of an open prison for women.

6.22 A comprehensive information leaflet on prisoners' options on leaving prison should be produced.

Temporary Release

- 6.5**
- Structured supervised temporary release should be the norm for most prisoners, as part of their Sentence Plan;
 - Half-way hostels should be available for those on temporary release, if required; and
 - The Victim's Charter should be implemented regarding notification of temporary release.

6.8 Recently introduced post-release supervision arrangements for sex offenders should be monitored by the Probation and Welfare Service and independently evaluated, and consideration given to extending similar forms of sentencing to other types of prisoners.

Accommodation

- 6.19**
- An Accommodation Directorate should be established within the Probation and Welfare Service, without delay;
 - Other statutory agencies should treat prisoners in need of accommodation as high priority cases;
 - Local Authorities should address prisoners' housing needs in their Housing Strategies;
 - Local Authorities should be facilitated to develop partnerships with private landlords and the voluntary sector (such as PACE); and
 - A range of accommodation options should be provided, from supportive accommodation to independent units.

Criminal Records and Discrimination

- 6.25**
- Criminal records should be expunged after a period of time, bar exceptions necessitated due to public safety concerns; and
 - The Employment Equality Act, 1998 should be amended to include protection against discrimination on the grounds of a criminal record.

6.26 The bar on the employment of those with a criminal record in the civil and public services should be lifted, bar exceptions.

Establishment of the Project Team

- 1.11 The Forum's Project Team on the Re-integration of Prisoners was established in March 2001. The membership of the Team was as follows:

Anne Marie Browne, Society of Saint Vincent de Paul
Frances Byrne, One Parent Exchange and Network
Joan Condon, ICTU/INOUE Centres for the Unemployed
Senator Joe Costello, Labour Party
Constance Hanniffy, General Council of County Councils
Edwin Mernagh, Northside Partnership
John O'Dwyer, Department of Justice, Equality and Law Reform
Cathleen O'Neill, National Women's Council of Ireland
Greg Price, SIPTU
Janice Ransom, Rape Crisis Network Ireland
Tina Roche, Business in the Community
Deputy Billy Timmins, T.D. Fine Gael

Forum Secretariat: David Silke

- 1.12 A copy of the terms of reference agreed by the Team and by the Management Committee is attached as Annex II. The Team met on a regular basis between March and October 2001. It also conducted a wide series of consultations, visits to prisons and community-based projects, local hearings and commissioned research, as detailed below.

Consultation and Information Collection

- 1.13 The Team consulted with a number of different stakeholders and gathered a considerable amount of information from the following sources:
- The Team met with officials from relevant Government Departments and organisations such as the Irish Prison Service, the Probation and Welfare Service, the Judiciary, the Prison Officers' Association, Victim Support, the Irish Penal Reform Trust, PACE, the Connect Project, FÁS, the Prison Education Service, the Dillon's Cross Project Cork, the Homeless Agency, the Linkage Programme, the Irish Traveller Movement, groups representing the interests of prisoners released under the Good Friday Agreement, Cabra Young Offenders After Care Committee and the Blanchardstown Offenders for New Directions (BOND) project. A list of all those involved can be found in Annex III.

- The Team advertised for written submissions in the main national papers. A total of 47 submissions were received, summary details of which can be found in Annex IV.
- The Team also visited Mountjoy Prison, the new Midlands Prison, the Dóchas Centre (women's prison), Castlerea Prison and the adjoining Visitor Centres. Harristown House (an addiction treatment centre in Castlerea) and a number of community-based projects working with ex-prisoners and offenders such as the Bridge Project, Pathways, Speedpak², the Saol Project³ and the Nenagh Community Reparation Project were also visited. Examples of re-integration initiatives can be found in Annex V.
- The Department of Justice, Equality and Law Reform supplied a policy briefing paper on *The Re-integration of Offenders into the Community* for the Team. The Team also commissioned Dr. Ian O'Donnell of the Institute of Criminology, Faculty of Law, University College, Dublin to prepare a policy paper on *The Re-integration of Prisoners and Ex-offenders into Society* and a background paper on previous relevant reports to help inform its work.

1.14 In carrying out its work, the Team was concerned at the lack of up-to-date and detailed official statistics and the paucity of empirical research undertaken pertaining to our penal system. **The Team recommends that, as a priority, more detailed and timely empirical information should be collected and published on the nature and effectiveness of the Irish penal system. In this regard:**

- **an integrated IT statistical plan on the criminal justice system should be designed and implemented by the Department of Justice, Equality and Law Reform;**
- **the National Statistics Board should be consulted on the implications for data collection and priorities;**
- **the Courts Service, in consultation with the other justice agencies, should produce more detailed sentencing and recidivism statistics (including charges brought before the courts);**
- **the Prison Service should produce detailed data on the prison population; and**
- **a programme of research should be developed and supported by the Department of Justice, Equality and Law Reform to provide better**

2. A subsidiary of the Northside Partnership, Speedpak operates on a commercial basis but employs and trains people who have been out of work for some time, including some who may have spent time in prison.

3. A training, education and development initiative for women drug users who have been participants in methadone maintenance programmes, some of whom will have spent time in prison. It is based in Dublin's North Inner City.

information for policy purposes on the effectiveness of the penal system and integration strategies.

Acknowledgements

- 1.15 The Project Team would like to thank all those, too numerous to mention individually, who assisted in its work. It is very grateful to those who made written submissions, who gave of their time to meet with them, or who provided valuable data to help in its analysis. Particular thanks are also due to Dr Ian O'Donnell, Institute of Criminology, Faculty of Law, University College, Dublin whose advice and expertise facilitated the work of the Team at various stages. The Department of Justice, Equality and Law Reform provided helpful information and assistance to the Team throughout, as did the Probation and Welfare Service and the Prison Service.

Section II

Setting the Context

Setting the Context

Outline of Section II

2.1 This Section is divided into four main parts:

- Recent trends in the prison population,
- Policy developments regarding the re-integration of prisoners,
- Re-integration services and initiatives,
- Re-integrating prisoners – key issues to be addressed.

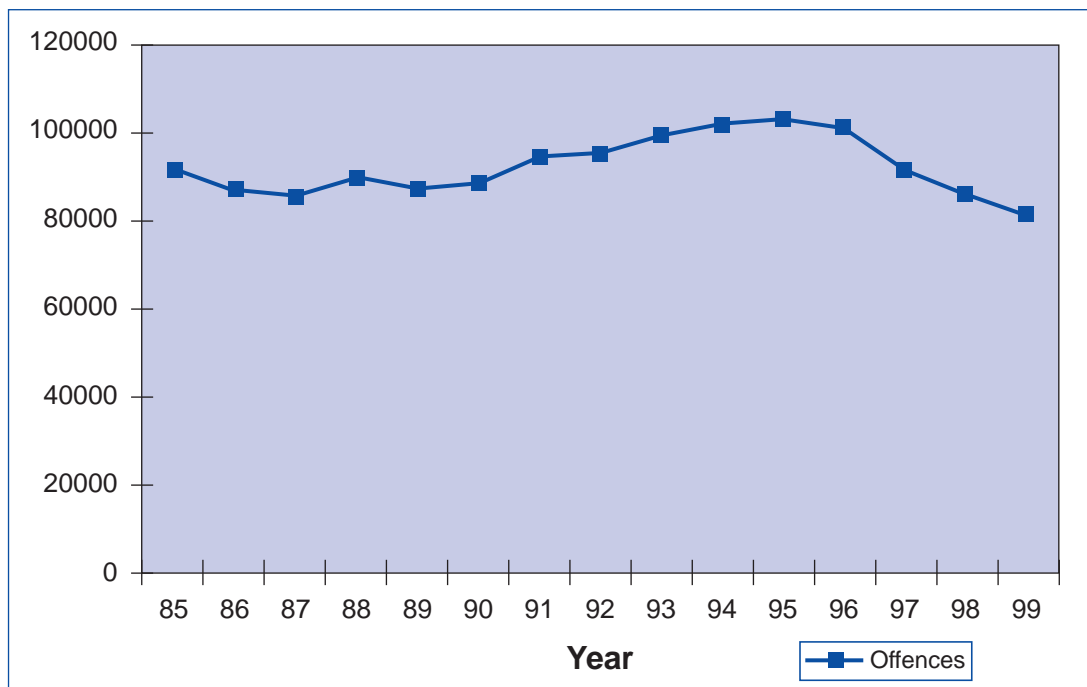
Recent Trends in the Prison Population

2.2 As the prison population consists of those who are on remand awaiting trial or those who have been sentenced to imprisonment, it is useful to begin by looking at recent trends in crime statistics. The National Crime Council recently published a report examining levels and trends in crime between 1950 and 1998 (Young *et al*, 2001). It shows that the total number of recorded⁴ crimes increased from 160,000 in 1950 to 500,000 in 1998. Indictable (or more serious offences such as murder, sexual offences and burglary) crime has increased from 12,232 in 1950 to 85,627 in 1998. During the period 1950 to the mid-1960s the trend remained fairly stable; while from the mid-1960s to the early 1980s recorded indictable offences rose sharply to reach 102,387 in 1983. Figure 2.1 shows the trend for the last 15 years, during which time indictable crimes reduced slightly and then peaked at its highest rate ever in 1995 (102,484), after which a sharp decline is evident. A total of 81,274 indictable offences were recorded in 1999. This is a reduction of 5 per cent over the previous year and a reduction of 21 per cent since 1995. Of these indictable crimes, about 40 per cent are detected in any one year.

2.3 This recent downward trend in crime is noteworthy, as it has occurred during a period of population growth. During such a period, even a levelling off in the rate of crime (i.e. the number of crimes per 1,000 population) would result in an increase in absolute crime statistics (as the population size would have increased). As noted, the opposite has occurred in this case.

4. Recorded crime underestimates the real crime figures, particularly of less serious crimes such as thefts from cars. For example the Central Statistics Office found that one in eight (12 per cent) of households annually are affected by crime (Central Statistics Office, 1999). Here we are interested in crime as a determining factor in the prison population size and recorded crime is, therefore, of particular relevance to us.

Figure 2.1 Indictable Offences Recorded 1985 - 1999



Source: An Garda Síochána, *Annual Report, 1999*. p.64.

- 2.4 In 1999, proceedings were taken in 432,692 cases of non-indictable offences⁵, of which over half (54 per cent) ended in a conviction or with charges proved and an order made without conviction. Trends in non-indictable crimes for which proceedings were taken follow the general trend of indictable crimes outlined above, with a substantial increase in such crimes between 1960 and the mid-1980s (from 100,000 in 1960 to over 800,000 in 1984) and falling back since then.
- 2.5 In addition, 7,137 proceedings were commenced under the Misuse of Drugs Act (as amended) and 4,232 convictions were obtained by the end of the year (1999).
- 2.6 During the court year August 1999 to July 2000, 133,750 fines (to the total value of £7.8 million, €9.9 million) were imposed and a total of 4,508 Community Service Orders was made by the Courts⁶ (the Courts Service, 2001: pp.60-64).

5. These are considered less serious offences and can or must be processed to a conclusion in the District Court: for example, traffic offences and assaults.

6. This is a gross figure and works out at about 1,000 individuals. In the calendar year 1999, for instance, 1,342 people were put on Community Service Orders.

- 2.7 Turning now to examine the current prison population, we find that the current daily prison population is approximately 3,125 people⁷, of whom roughly 83 per cent are under sentence and 17 per cent are on remand. It should be noted that the number of prisoners on remand has increased substantially since the Bail Act, 1997 became operational on 15th May 2000. In June, 2000, for instance, 11 per cent of prisoners (322 people) were on remand, awaiting trial or sentence.
- 2.8 The majority of the prison population is male (97 per cent), young (44 per cent aged between 17 and 25 years; 65 per cent aged under 30 years) and serving sentences of two years or more (64 per cent). Table 2.1 below shows the profile of those in custody under sentence (i.e. excluding those on temporary release or on remand), broken down by offence, gender and age in June 2000. The Table shows that approximately half of the prison population under sentence at that time were serving sentences for crimes that included violence or were of a sexual nature, the other half were found guilty of non-violent crimes.

Table 2.1 Profile of the Prison Population in Custody Under Sentence on 1 June 2000, by Age and Gender

Offence	Male			Female			Total
	Age			Age			
	17 - 20	21-29	30+	17-20	21-29	30+	
Murder	3	19	82	1	2	2	109
Manslaughter	8	16	20				44
Sexual offence	21	82	251				354
Other offence against the person	90	186	109	1	2	3	391
Offence against property with violence	99	225	78	6	14	4	426
Offence against property without violence	212	183	98	4	8	6	511
All other offences	202	353	214		6	8	783
Total	635	1064	852	12	32	23	2,618

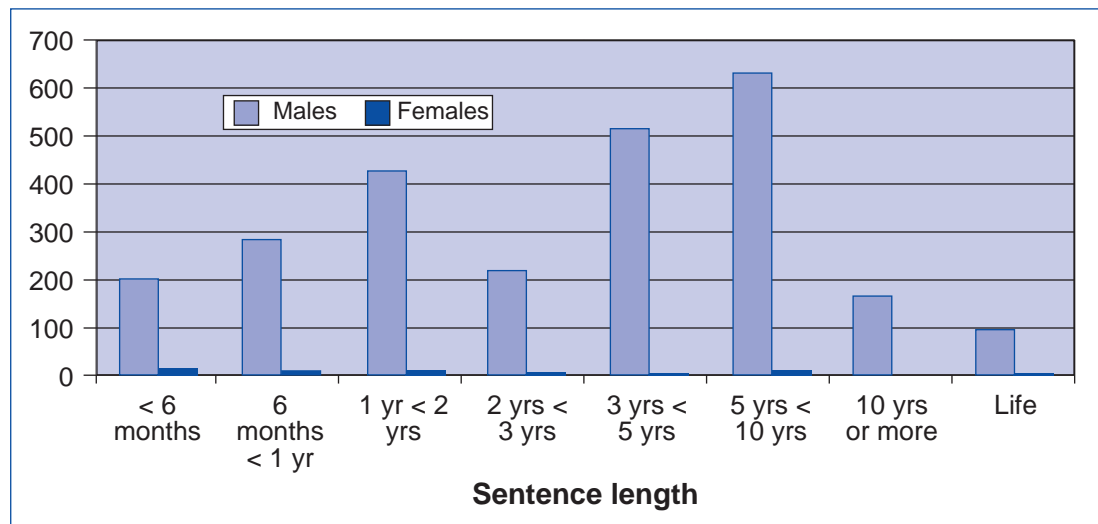
Source: The Irish Prison Service (2000).

- 2.9 Figure 2.2 shows the distribution of persons in custody under sentence (i.e. not including those on temporary release or those in prison on remand), broken down by gender and length of sentence in June last year. Just over one-third of

7. On 20th September, 2001.

the prison population were serving sentences of greater than five years and one in five were serving sentences of up to one year.

Figure 2.2 Persons in Custody Under Sentence on 1 June 2000 by Gender and Length of Sentence



Source: The Irish Prison Service (2000).

2.10 We lack detailed information, however, about the social characteristics of the prison population. As outlined in Section IV below, research undertaken in individual prisons indicates that many prisoners come from socially disadvantaged backgrounds, lack educational qualifications and have histories of unemployment. A prison-based survey of literacy skills is currently underway, which will address some of this data shortfall. As recommended in Section I, more detailed statistics, evaluation and research is required to aid policy development.

2.11 The prison population has increased steadily over the last number of years, with an 8 per cent increase in the number of prisoners received into custody between the years 1995 and 1999 (9,928 compared to 10,699 – see Table 4.2). There has also been a decline in the number of prisoners on temporary release, largely accounted for by the on-going prison-building programme. In October 1996, for example, 550 prisoners were on temporary release, but this had dropped to 200 by March 2001 – an overall reduction from 19 per cent of the total prison population to 6 per cent. Furthermore, as outlined above, there has been a substantial increase in the number of prisoners on remand since the introduction of the Bail Act, 1997 in May of last year.

2.12 Recent comparative research shows that our prison population per 100,000 people in the general population is in the mid-range (80) compared to other

EU countries, with Portugal (130), England and Wales (125) and Spain (110) at the top end of the imprisonment scale and Denmark (65), Sweden (60) and Finland (45) with below average rates of imprisonment (Walmsley, 2000). (Indeed Finland has managed to reduce its prison population substantially in recent years, as is outlined in Box 2 below). Other figures collated by the British Home Office show that while the recorded crime rate in Ireland reduced by 21 per cent over the period 1995-1999 (the EU average rate was a reduction of 1 per cent) our prison population increased by 35 per cent (the EU average was an increase of 5 per cent) over the same period (Barclay, G et al., 2001). These two sets of figures are difficult to interpret. Certainly, a number of factors are at work here, including: trends in the reporting, detection and seriousness of crimes committed, sentencing, temporary release policy and the impact of the prison-building programme.

- 2.13 Our prison population is also 'young' in comparison to other European countries. Figures produced by the Council of Europe (1999) based on 1997 data, found that Ireland had the highest proportion of prisoners aged under 21 years (24.2 per cent)⁸, compared to much lower percentages in countries such as Austria (3.7 per cent), Belgium (5.6 per cent), France (9.2 per cent),

Box 2

REDUCING THE PRISON POPULATION – THE FINNISH EXPERIENCE

Until recent years, Finland's prisoner rate per 100,000 inhabitants was one of the highest in Europe, it is now one of the lowest. The annual number of admitted prisoners decreased 41 per cent between 1990 and 1998. This reduction was brought about despite little change in recorded crime trends. The reasons given for this are:

- Long-term political will to bring down the prison rate.
- Legislative reforms and Judiciary supporting less use of imprisonment.
- Expert-led reforms of criminal policy, based on cost-benefit analysis.
- Media coverage of crime issues traditionally not populist.
- An increased emphasis placed on crime prevention, including environmental planning.
- Community service introduced.
- More lenient system of sanctions and reduction in custodial sentences.

Source: Lappi-Seppala (2001).

8. In June 2000, 24.7 per cent of the prison population in custody under sentence was aged under 21 (i.e. excluding those on remand or those on temporary release).

the Netherlands (7.4 per cent), Portugal (5.4 per cent), Spain (6.4 per cent) and Sweden (4.0 per cent). England and Wales (17.6 per cent), Scotland (17.6 per cent) and Northern Ireland (13.5 per cent) came closest to us in terms of age profile.

Policy Developments on the Re-integration of Prisoners

2.14 In analysing current policy in relation to the re-integration of prisoners back into society, it is useful to refer back to the Whitaker Report (Committee of Inquiry into the Penal System, 1985), which has influenced and informed policy in this area since its publication. This Report linked crime and social disadvantage and argued that the State should give priority attention to the problems of such areas and their communities. The following points, which were highlighted in that Report, are particularly relevant to the Team's focus on the re-integration of prisoners:

- society must play a more proactive role in crime prevention approaches;
- the use of imprisonment as a form of punishment should be reduced;
- other penalties such as probation, fines and community service should be used more often;
- standard remission should be increased from 25 to 33 per cent;
- basic living conditions in prisons should correspond broadly to those available to individuals with an average disposable income;
- after-care of prisoners should be improved e.g. through preparing prisoners for return to normal life, financial assistance on release, strengthening the Probation and Welfare Service, providing additional hostel accommodation and additional training workshops;
- more should be done to encourage the employment of ex-offenders; and
- a Care Resource Committee should be established to assess needs for hostels and special centres, arrange priorities and advise on optimum resource allocation.

2.15 In 1994, the then Department of Justice published a five-year Plan, *The Management of Offenders*, which reviewed progress in this area since the Whitaker Report. Its assessment of the state-of-play at that time was as follows:

"The main problem in the Prison system is overcrowding but it is not the only problem. Others include the absence of clear aims and objectives, inadequately planned arrangements for release of offenders, excessive resort to unsupervised temporary release, various shortcomings in support services (medical, welfare, psychological, education,

work/training, aftercare) and less than satisfactory arrangements for dealing with special problems such as drug abuse and the care and management of sex offenders.”

(Department of Justice, 1994: p.7)

2.16 The Plan also defined the objectives of the Prison system as follows:

- hold in appropriate security those members of the community committed to custody by the Courts;
- treat those in custody with care, justice, dignity and respect;
- make available to those in custody the conditions and services appropriate to their physical and mental well-being;
- make available to those in custody such help, guidance, counselling, education and training as will lead them, as far as practicable, to a constructive life in the community on release;
- regard the management of sentences as a positive opportunity to achieve these objectives;
- promote the standards to which the State has subscribed internationally and, in particular, those standards set out in the European Prison Rules; and
- use the resources, made available by the community, wisely and efficiently in achieving the overall aims and the objectives of the Prison system.

(Department of Justice, 1994: p.22)

2.17 The more important commitments in the Plan on the re-integration of prisoners were:

- the construction of an additional 210 prison places, while taking such steps as are necessary to ensure that the prison population does not drift above the 2,200 - 2,300 level;
- major refurbishment works in existing prisons, including the provision of in-cell sanitation, enhanced work/training and education facilities, and enhanced visiting facilities in specific prisons;
- recruitment of additional Probation and Welfare Officers;
- provision of five accommodation (hostel) units and five day attendance centres to cater for the needs of up to 500 offenders to be released from custody under supervision;
- the setting up of a Positive Sentence Management Committee;⁹

9. The Plan defined Positive Sentence Management as *“making available to offenders a range of services and facilities aimed at helping them to cope with their sentences, to preserve their physical and mental well-being and to prepare them as far as practicable, for early structured release under supervision, if justified and earned.”*

- the introduction of new Prison Rules and a new Disciplinary Code for staff; and
- improvements in in-prison treatments and services (medical, psychiatric and related services) and the introduction of formal aftercare services.

2.18 Some three years later the Department published a further policy document entitled *Tackling Crime* (Department of Justice, 1997). This identified the inadequate number of prison places and the over-use of unmanaged temporary release as a mechanism for dealing with the pressure on prison spaces as problematic. Plans to increase the number of prison spaces by 840, all to be on stream by the end of 1998, were outlined in the report as well as reiterating the Department's support for the greater use of non-custodial sanctions. A number of positive features of community sanctions were identified: it eases re-integration by maintaining family relations, employment is not lost, anti-authority attitudes are not hardened and there is less association with other, perhaps more criminally sophisticated, offenders.

2.19 In 1998, the Department of Justice, Equality and Law Reform published a three-year Strategy Statement 1998-2000, which reiterated a commitment to maintaining a balance between the use of custodial sanctions and community-based alternatives. Objectives for the period 1998-2000 included:

- the provision of an extra 2,000 prison places;
- the recruitment of an additional 850 prison officers;
- a reduction in unsupervised temporary releases caused by a lack of accommodation;
- the establishment of a Prisons Authority, Prisons Inspectorate and Parole and Remission Board;
- improvements to in-prison services, including primary health care, psychology services, education and training, drug treatment, sex offender treatments;
- a review of the probation and welfare service; and
- ensuring a developed and effective system of community sanctions.

2.20 The Strategy emphasised the need for an integrated and holistic approach to dealing with crime, and pointed out that a new framework was required to achieve the co-ordination necessary to adequately address crime.

"The current allocation of responsibilities between Departments and arrangements for inter-Departmental co-ordination are unlikely to yield the degree of joint planning and implementation which seems to be required to make a serious and lasting impression

on crime. Some new framework will be required, drawing together the various strands of public policy-making and also incorporating a wider community view."

(Department of Justice, Equality and Law Reform, 1998: p.90)

- 2.21 A Prison Authority Interim Board was established in 1999 as the first step towards the creation of an independent, statutory-based prisons service with responsibility for the day-to-day management of the prisons. One of the Interim Board's tasks was the development of a Strategy Statement for the Service for the years 2001-2003, which was published last October (Irish Prison Service, 2001). The following Mission Statement has been agreed for the Service:

"The mission of the Irish Prison Service is to provide safe, secure and humane custody for people who are sent to prison. The Service is committed to managing custodial sentences in a way which encourages and supports prisoners in their endeavouring to live law abiding and purposeful lives as valued members of society."

- 2.22 The Strategy Statement (2001-2003) focuses on three main themes:

- a humane prison system which provides decent, modern living conditions for prisoners;
- a new emphasis on prisoner rehabilitation and integration; and
- new, more efficient, working arrangements for prison staff.

Individual Prison Business Plans will be developed from the Strategy Statement, which will in turn provide a framework for the development of Performance Management and Development Systems to structure personnel performance management.

- 2.23 An Expert Group, established by the Minister for Justice, Equality and Law Reform in 1997, undertook a review of the Probation and Welfare Service. The Group produced First (1998) and Final (1999) Reports and recommended an enhanced role for the Service, including:

- the establishment of a statutorily-based Probation and Welfare Agency;
- the appointment of an Inspector of Probation and Welfare Services;
- the development of an Advisory Forum to advise the Agency on the formulation of policy and facilitate dialogue between the Agency and relevant bodies;
- the development of appropriate regional structures;
- greater use of non-custodial sanctions;

- greater co-ordination of relevant services; and
- increased collection of empirical data and further research in the area.

2.24 Since the publication of these reports, sanction has been given for the recruitment of additional staff to the Service, increasing the staff complement to 310 (including administrative staff).

2.25 The *National Development Plan* (2000 - 2006) identifies crime prevention as a social inclusion issue, detailing how offenders are generally from disadvantaged groups in society, likely to re-offend and to be further marginalized as a result:

“Offenders ... experience multiple disadvantage which accumulates leading to economic and social exclusion and to an extreme form of marginalisation from the labour market.”

(National Development Plan, 1999: p.194)

The Plan commits £70.7 million (€89.8 million) to the following initiatives:

- provision of work, vocational training and related education on an individual programme basis to custodial prisoners (see Connect Project, Annex V);
- establishment of ‘Probation and Development Centres’ in high risk communities to provide services to offenders;
- provision within the community of work and skills training, work placement and personal development services to offenders; and
- provision of services within the community to families at risk, in particular, services for women and children whose lives are disrupted by crime and violence.

2.26 Two major pieces of legislation should also be noted at this point. The first is the Children Act, 2001, which is founded on the principle that the imposition of a custodial sentence for children should be a matter of last resort. The Act provides a statutory framework for the future development of the juvenile justice system. Key elements include: it defines a child as someone under 18 years of age, it raises the age of criminal responsibility from 7 years to 12 years, Family Welfare Conferences and restorative justice approaches are introduced, the Garda Diversion Programme is placed on a statutory footing, community sanctions for young offenders, e.g. curfew, education, paying compensation, etc. are listed, a strong emphasis is put on individual and parental responsibility, a legal basis for detaining children who have serious behavioural problems and who need special care is provided for and greater co-ordination

in the use of residential places. The Act makes specific provision whereby a child leaving a detention centre on completion of sentence may consent to be placed under the supervision of a Probation and Welfare Officer.

- 2.27 The second piece of legislation to note is the Criminal Justice (Temporary Release of Prisoners) Bill, 2001. This new provision sets out the purposes for which temporary release may be granted by the Minister, including: to assess the person's ability to reintegrate into society upon release and to prepare a person for release, as well as for health and humanitarian reasons. The legislation also sets out the conditions to be taken into account in deciding to grant temporary release. These include: the nature of the offence and sentence, the risk of re-offending and absconding, and the likelihood that temporary release will aid the person's re-integration into society or improve employment prospects.

Re-integration Services and Initiatives

- 2.28 The following Government bodies and agencies have key roles in providing services and supports to help prisoners re-integrate successfully into society:

- The Department of Justice, Equality and Law Reform,
- The Irish Prison Service,
- The Probation and Welfare Service,
- The Judiciary and the Courts Service,
- An Garda Síochána,
- The Department of Social, Community and Family Affairs,
- The Department of Enterprise, Trade and Employment,
- The Department of Education and Science,
- The Department of the Environment and Local Government / Local Authorities,
- The Department of Health and Children / Health Boards,
- FÁS,
- The Community Welfare Service, and
- The Local Employment Service.

It is not proposed to detail the functions of each of these organisations here, as in many cases they are self-evident. In addition, the Team gathered information about a number of community initiatives during consultation, which are outlined in Annex V as examples of the different types of work undertaken in

this area. The key lessons from these visits and consultations are given in Box 3 below.

Re-integration of Prisoners – Key Issues to be Addressed

- 2.29 *The Team has come to the conclusion that the successful re-integration of prisoners into society should be the primary function and central objective of the justice system and that this function should be given increasing priority by the judicial, prison and post-release systems. As few people as possible should be sent to prison and prison should have a clear function to prepare the prisoner for release.*
- 2.30 In considering this shift in thinking, the Team is aware that policy in relation to the re-integration of prisoners is greatly affected by public attitudes to crime and safety. Current policies in this area have been affected to a large degree by the developments in the mid 1990s, which saw high profile murders and attacks on the elderly dominate the news and increased public concern regarding crime and order. This resulted in an increased policy focus on tackling crime

Box 3

KEY LESSONS FROM CONSULTATION VISITS BY THE PROJECT TEAM

- After-care services for ex-prisoners are patchy and lack a national framework.
- Initiatives cover only a small number of ex-prisoners.
- Greater linkages between prison-based and community initiatives are required.
- Prisoner-centred individual planning is possible and early indicators are positive.
- Prisoners are often not ‘job-ready’ on release – but planning a route into employment is crucial to reduce re-offending; this might need to include addressing self-development, education skills and addiction treatment needs, for instance, in addition to skills training.
- Financial assistance is often not readily available to prisoners on release.
- Service provision needs to be comprehensive and flexible – prisoners on release are unlikely to take up training or work opportunities if they are homeless, for instance, or if on methadone and unable to get time off work or training to collect their prescription.
- Linking with employers is crucial – bringing them into the prisons to see training at first hand, supporting work placements and building up trusting relationships, etc.
- Initiatives lack independent evaluation.

by, for example, increasing Garda numbers, restricting bail, tougher sentencing for drug offences and a substantial prisons building programme. These punitive policies, however, have been coupled with others that focus on more preventative measures, for instance: diversion schemes for young people including mediation and crime prevention and the measures outlined in the Children Act, 2001.

- 2.31 Other public consultation initiatives, such as the Crime Forum, have highlighted that there is a broad consensus that imprisonment is not the best way to reduce crime, but rather that new approaches such as restorative justice are more hopeful ways forward. The Team supports this approach and believes that society is best served by restricting imprisonment to only the most serious crimes or persistent offenders.
- 2.32 Until recently, the pressure on prison spaces resulted in the unplanned release of many prisoners, causing what became known as the ‘revolving door syndrome’ problem – prisoners were being released to make room for others, with high levels of re-committals. As we have seen, such unplanned temporary releases are no longer as prevalent, and this offers a new opportunity for the Prison Service to play a more central role in Positive Sentence Management and the re-integration process.
- 2.33 In preparing this Report, we were very aware that earlier policy reports have recommended similar approaches in the past but these were not acted on as thoroughly and comprehensively as was necessary to achieve more significant progress. We decided, therefore, that more attention should be paid to the obstacles and barriers to change – how policy recommendations can be more effectively translated into practical realities on the ground and that have a positive effect on people’s life chances. It is to this issue that we turn in the next Section.

Section III

Policy Implementation – Obstacles and Barriers

Policy Implementation – Obstacles and Barriers

Outline of Section III

- 3.1 Policy implementation is a complex issue in many social policy areas, but particularly so in the area of criminal justice. On the one hand, there is consensus that prison should be a last resort, while on the other, there is strong support for the current prison-building programme, during a period when recorded crime is on the decrease, but fear of crime remains high. Policy implementation issues in this area tend to be more political than usual, as likely (or even more so) to be more influenced by various interpretations of public opinion and media reaction rather than by the findings of empirical research, lessons emerging from practical experience or financial considerations such as value for money.
- 3.2 Policy reviews and changes need, therefore, to be facilitated by more open debates on a wider range of options and choices, thereby building a broader public consensus on the best way forward to punish those who have committed offences while at the same time recognising the effect of social disadvantage on an individual's life opportunities and the risk of becoming involved in crime in the first place.
- 3.3 In this Section of the Report, the Team maps out a number of policy issues from previous official reports that have a direct bearing on prisoner re-integration. The purpose of this is two-fold:
- to collate ideas and policy recommendations from these reports, which have not been fully acted on but which the Team considers are still relevant; and
 - to illustrate and discuss how difficult and sensitive policy implementation is in this area.

This is followed by consideration of the strategies required to assist more effective policy implementation in this area. The Section is divided into three main parts:

- Previous Policy Recommendations,
- Institutional Reforms,
- Supporting Policy Implementation.

Previous Policy Recommendations

3.4 Drawing from policy proposals in earlier official reports (see Section II), eight key re-integration themes were identified:

- Determining an appropriate level of imprisonment,
- Balancing the type of sanction between custodial and non-custodial,
- Planning prison sentences,
- Providing education and training,
- Prison regimes,
- Treating mental illness and other health issues,
- Tackling substance abuse,
- Supporting the prisoner on release and organising after-care.

Each of these is discussed in turn beneath.

Determining an Appropriate Level of Imprisonment

3.5 The Whitaker Report (1985: p.39) identified four functions of imprisonment:

- *Punishment* of offenders for the offences committed by them;
- *Deterrence* of offenders from committing the same or similar offences after release from prison, and deterrence of others who may be inclined to commit the same or similar offences;
- *Reformation/rehabilitation* of offenders so that on release they will have been persuaded, and equipped, to avoid criminality; and
- Prevention of prisoners committing further crimes during their imprisonment.

3.6 Efforts to rehabilitate and re-integrate prisoners are influenced by the number of individuals in custody. International evidence suggests that there is a poor correlation between prison populations and crime rates. The number of prison cells in a country is determined, to a large extent, by political considerations and can be adjusted (up and down) in accordance with shifting political priorities. The following quotations from various official reports pinpoint a consensus that prison should be used as a last resort and that additional prison building should be limited:

“The Council recommends that imprisonment should be used as a measure of last resort, suitable mainly for offenders who have committed serious crimes and who are likely to commit further such acts if let free.”

(National Economic and Social Council, 1984: p.23)

“The Department’s view is that the aim should be to set an upper limit of between 2,200 and 2,300 on the number of offenders in custody.”

(Department of Justice, 1994: p.32)

“We would caution that a policy relying exclusively on prison building will not work ... It may be that the perceived availability of prison space in itself contributes to higher committals through changes in sentencing practice. The maximum use of alternatives to custody should therefore be availed of.”

(Prison Service Operating Cost Review Group, 1997: p.27)

“The Sub-Committee recommends that statistical models be designed to show how many prison spaces would be required under different sets of prevailing conditions, based on a detailed analysis of sentencing practice around the country as the judiciary has a central role in determining the size of the prison population.”

(Oireachtas Sub-Committee on Crime and Punishment, 2000: para. 44)

- 3.7 The Team welcomes the recent Mission Statement of the Prison Service (see para. 2.21 above), which links the security/custodial role of prisons with that of actively encouraging and supporting prisoners to lead a law-abiding and purposeful life. **The Team recommends that each prison, in developing its Business Plan, should specifically address and set down in detail ,and including goal setting, how they will prepare prisoners for release and successful re-integration back into society. This should be undertaken in consultation with relevant stakeholders, both within and outside the prison system, and be subject to regular review.**

Balancing the Type of Sanction between Custodial and Non-custodial

- 3.8 Many of those sentenced to prison in Ireland have committed minor offences and have received short sentences – while there are about 3,000 prison spaces, in the region of 11,000 committals are made each year. In addition, approximately 5,000 individuals serve community-based sanctions under the supervision of the Probation and Welfare Service each year. There is widespread recognition that in many cases these sanctions and other measures (such as fines) are more appropriate ways of dealing with minor offences, in the first instance.

- 3.9 Figures recently published comparing the probation and prison budgets in European countries show considerable variation between the two, with Malta's probation budget less than 1 per cent of the budget for the prison system, while the comparable figure for Luxemburg was 37 per cent. In the Irish case, the probation budget was 7.8 per cent of the country's prison budget (1998 figures) and the report described this country as a 'poor cousin' (van Kalmthout and Derks, 2000: pp23-24) in comparison to some of our European neighbours. This has changed somewhat in recent years with, for instance, in the 2001 Estimates, the Probation and Welfare Service budget was about 15 per cent of the Prison Service operations budget – £171 million (excludes £34 million for prison capital spending) compared with £25 million. Coupled with this, there is also a staffing imbalance with over 3,000 Prison Officers compared to a staff of only 310 in the Probation and Welfare Service.
- 3.10 Such an imbalanced allocation towards the prisons is at odds with the consensus in a number of official reports, for example:

"Better facilities and an increase in personnel are necessary to enable the [Probation and Welfare] Service to improve its contribution in two important areas: within the prison, by making it possible to establish better human relationships with a greater number of prisoners; and outside prison, by increasing the quality and frequency of contact with prisoners' families. The Committee recommends that the necessary resources be made available to facilitate this."

(Whitaker Committee, 1985: para.12.5)

"Accord priority to the development of custodial alternatives, as it is a much less expensive and, in many cases, a more effective way of managing offenders."

(Department of Justice, 1997: p.24)

- 3.11 The recent recruitment drive to the Probation and Welfare Service is welcomed by the Team as acknowledgement of the increased role that the Service should play in this area. This needs to be given on-going focus and greater direction in the future. In these circumstances, **the Team recommends that targets should be set to enhance the resources and functions of the Probation and Welfare Service to allow it to play a greater role in the criminal justice system in the future (for example, reduced staff/client ratios and an enhanced role in relation to Sentence Planning).**

Planning Prison Sentences

- 3.12 The primary objective of Sentence Management should be to use the time in prison positively to prepare for a more purposeful life on release. Sentence Plans should be individually-tailored, challenge offending behaviour and raise

the participant's awareness of the consequences of their actions. Plans should be drawn up with the active involvement of the prisoner and others who may have a role to play in their re-integration into society. In addition to the above, the Plan should cover a wide range of issues, such as self-development, education, training, health needs, accommodation needs on release, family supports and so on. It should be monitored and reviewed on a regular basis.

- 3.13 The following quotations demonstrate the importance and widespread agreement that exists on the value of this planning:

".... A personal development programme should be prepared by the professional services for every long-term prisoner; discussed and agreed with him/her; and reviewed periodically."

(Whitaker Committee, 1985: para.2.20)

"A Positive Sentence Management Committee will be established in each institution"

(Department of Justice, 1994: p.42)

"The Sub-Committee recommends that positive sentence management should begin as soon as an inmate arrives in custody. In general terms, a period of induction should be followed by assessment and allocation to a suitably secure institution. A contract should be drawn up to indicate what the prison expected of the individual and what they might reasonably expect in return. Every element of a sentence should have meaning. Time should be planned and purposeful and seen as a series of stages, with more responsibility returned to prisoners, and more expected of them, as they work through their sentence."

(Oireachtas Sub-Committee on Crime and Punishment, 2000: para.70)

- 3.14 If efforts to reduce the risk of re-offending among prisoners are to be effective, it is crucial that their time in custody be structured and planned. There is general recognition that in the past, Sentence Planning was difficult to achieve due to the use of temporary release to alleviate prison over-crowding. The rolling-out of the Connect Project initiative (see Annex V) is a welcome development in this regard. But it is important to ensure that time spent in prison is managed and planned as effectively as possible. Such planning needs to be multi-agency and multi-disciplinary based – involving all agencies and taking into account the individual circumstances of the offender and the nature of the particular offence committed. The transition from custody to release must be carefully managed and supported and the necessary links made with community organisations and potential employers. On release, involvement of the community is important to support and maintain the successful re-integration of the offender. The Team's recommendations in this regard are dealt with later in this Section.

Providing Education and Training

- 3.15 A prison sentence should be seen as an opportunity to address some of the self-development, education and training needs, which are a key predictor to subsequent unemployment and hence of re-offending. Indeed, a workshop of experts at a recent INTEGRA¹⁰ Conference agreed that a large part of the task of prisoner rehabilitation is increasing employability through quality training and education. Prisoners want marketable skills that can facilitate their employment on release and not short-term courses that lead nowhere. Put bluntly – no money, no job and no prospects lead to offending and re-offending (WRC Social and Economic Consultants, 1999). Current prison education and training programmes span a wide range from self-development and basic literacy to post-graduate education and from the traditional trades to training in information technology. If those leaving prison have equipped themselves with the skills to earn a living, the likelihood of a return to crime is diminished.

“We therefore support the provision of purposeful facilities to occupy prisoners; particularly facilities that will impart new skills and help prisoners gain employment on release. However, we are of the opinion that any staffing requirements which result from providing these services can and should be met by redeployment, without increasing costs, as what is at issue is simply a more progressive way of managing prisoners.”

(Prison Service Operating Cost Review Group, 1997: p.28)

“The aim should be to ensure that all prisoners (whether on remand or sentence) spend a reasonable part of the day (i.e. 8 hours or more) outside their cells engaged in purposeful activities of a varied nature: work, preferably with vocational value; education; sport; recreation/association.”

(Council of Europe CPT, 1999: p.42)

Prison Regimes

- 3.16 Prisoners in closed prisons (i.e. medium and high security institutions), such as Mountjoy Prison and the Midlands Prison, can spend a considerable amount of time in their cells. They eat in their cell and are locked-up from 8pm in the evening until 8.15am in the morning. The typical day in a closed prison is outlined in Box 4 below.

10. INTEGRA (a European Union initiative to improve the employability and labour market situation of people excluded or at risk of exclusion from employment and society) funded 40 projects at European level during the 1995-1997 and 200 projects during the 1998 - 1999 period, which included prisoners and ex-offenders as a category.

Box 4**TYPICAL DAY IN A CLOSED PRISON**

08.15	Unlock, breakfast, return to cell
09.15	Unlock, tidy cell, go to place of employment/training/education activities
12.30	Collect dinner, return to cell
14.10	Unlock, tidy cell, return to employment/training/education activity
16.30	Collect tea, return to cell
17.15	Unlock, go to recreation
19.30	Collect supper, return to cell
20.00	Final lock-up.

Source: Irish Prison Service (2000) p.13.

In the Training Unit, Mountjoy, which is a semi-open institution, the traditional lock-unlock does not apply and most of the day is spent in one of the workshops or at an educational activity, with meal breaks in between. In open institutions the daily regime is more relaxed reflecting the lower security rating and prisoners have almost full-time association with others and access to indoor and outdoor activities. In the Dóchas Centre (the women's prison, Mountjoy) prisoners are in housing units of 6 - 12 and the lock-up time varies from one 'house' to another, depending on their security rating. The women are responsible for cooking most of their own meals and do their own laundry.¹¹ The difference in the regimes between the larger male prisons and the smaller women's prison is striking.

- 3.17 The following quotation, taken from a written submission to the Team, shows the personal impact that life in prison can have:

"Being in prison for some people is part of their lives and it becomes part of their make-up, a dark part of their make-up. Prison can change you for the worst. There is something in here that gets inside and eats away at you like a cancer. It physically drains you. This is one reason why people end up with a drug problem in here. There is a horrible feeling of being abandoned and useless."

- 3.18 The identification of barriers (both personal and structural) to the implementation of more re-integrative-friendly prison regimes is needed. The prison

11. The Women's Prison in Limerick is due for refurbishment, and it is hoped that it will be brought up to a similar standard.

refurbishment programme should act as a catalyst and facilitator for the introduction of new and more re-integrative regimes, wherever possible. Regimes that encourage prisoner self-development should be introduced, as a general principle, in all prisons and good practice shared by the development of appropriate inter- and intra-networks between prison personnel. Later in this Section (recommendation 3.48), we recommend that the Prison Service should establish a Re-integration Group at national level and one of its functions should be to review prison regimes to ensure that they are 're-integration-friendly'. **The Team also recommends that future plans for prison buildings or refurbishments should be assessed at design stage to ensure that they allow regimes that are re-integration-friendly, drawing on best practice (national and international).**

Treating Mental Illness and Other Health Issues

3.19 Research based on a sample of prisoners admitted to custody in Mountjoy Prison found higher rates of mental illness than would be expected for the general population (Smith *et al.* 1996). The survey found that 4 per cent of those assessed had a major mental illness (such as schizophrenia) and a further 7 per cent had some psychiatric disorder, such as a panic disorder. A further 46 per cent of cases were found to be dependent on illicit drugs and/or alcohol.

3.20 There are long-standing concerns about the suitability of normal prison accommodation for prisoners with mental health difficulties, with recommendations for the provision of wards and special units for non-violent and violent psychiatric prisoners respectively (Advisory Group on Prison Deaths, 1991: p.78). The Council of Europe CPT commented:

"A mentally ill prisoner should be kept and cared for in a hospital facility which is adequately equipped and possesses appropriately trained staff. That facility could be a civil mental hospital or a specially equipped psychiatric facility within the prison system ... The transfer of a mentally ill prisoner to a psychiatric facility should be treated as a matter of the highest priority."

(Council of Europe CPT, 1999: p.35)

3.21 More recent research published by the Irish Penal Reform Trust (2001) indicates that this area of the prison system is in need of urgent reform. Its research found that most (78 per cent) of prisoners put into solitary confinement or 'strip cells' were mentally ill and concluded that solitary confinement was overused in our prisons. The research, which was based on experiences in three prisons between November 1999 and March 2001, found that some prisoners spent long periods (in one case up to 18 consecutive days) in solitary confinement, some cells had no call buttons and some used slopping out buckets. The Team agreed that treatment of this nature was not appropriate, humane or dignified and that strip cells should only be used as a last resort.

- 3.22 The Trust called for the introduction of Mental Health Courts and well-planned co-ordinated diversionary schemes, which would provide medical service to the courts. The Review Group on the Structure and Organisation of Prison Health Care Services, which reported earlier this year, recommended that mental health legislation should be drafted in a way that would facilitate the diversion of mentally disordered individuals from the criminal justice system, including the courts and the prisons, to an alternative treatment, supervision and care service. This Group also recommended that formal partnerships between the Prison Service and the Statutory Health Boards should be developed for the provision of prison psychiatric services. A submission to the Team from a voluntary organisation working in this area drew attention to the lack of co-ordination on this matter:

“There is a serious dispute concerning which department – health or justice – should care for a certain type of mentally ill prisoner – those with severe personality disorders. For instance, one man, who has committed a serious crime, has been told that he will not be treated by a psychiatrist because, although mentally ill, he has a personality disorder. This means that he will be left in the care of the prison with well-meaning people who are ill-equipped to deal with him. This is unfair to prison staff and to the general practitioner in charge. Most of all it does nothing to reform the prisoner who is willing, with help, to reform.”

- 3.23 **The Team recommends that:**

- **offenders with severe mental health problems should, as a matter of principle, be diverted at sentencing or before from the prison system to appropriate alternative treatment, supervision and care services; and**
- **the Prison Service, in consultation with the relevant stakeholders, should design and oversee the implementation of a Strategic Plan for the treatment of prisoners with mental health problems and substance abuse and or alcohol problems in the context of a Prisoner Sentence Plan.**

- 3.24 We now examine the issue of substance misuse in more detail.

Tackling Substance Abuse

- 3.25 There is little doubt but that much crime leading to imprisonment results from substance (including alcohol) misuse. In a recent survey of the Irish prison population, 51 per cent of the male and 69 per cent of the female prisoners stated their being under the influence of drugs when they committed the offence for which they were serving a prison sentence (Hannon, 2000: p.38). Drug use was also recent in the majority of cases – two-thirds (64 per cent) of male and three-quarters (73 per cent) of female prisoners reported using cannabis in the previous 30 days. In a recent exploratory study of drug use

among prisoners in Mountjoy (Dillon, 2001), 24 out of the 29 prisoners interviewed (83 per cent) reported having a drugs history, with 17 (71 per cent of users) continuing to use illicit drugs in prison – 6 used cannabis and 11 said they were on heroin. Studies by Allwright *et al* (1999) and Long *et al* (2000) found that approximately one-fifth of prisoners reported that they started injecting drugs while in prison. ***Tackling drug addition should, therefore, be a central part of any crime prevention strategy and measures to tackle drug (including alcohol) addiction in the prison system should be intensified and given greater priority.***

- 3.26 During the Team's consultations, the Prison Officers' Association and many others identified the importance of a comprehensive drug treatment service in prison as part of any plan to reduce the risk of prisoner re-offending on release. The Action Plan on Drug Misuse and Drug Treatment in the Prison System, which was approved by the Government in 1999, provides a strategy to raise the level of treatment for drug-addicted offenders and to reduce the supply of drugs in the prison system. This includes the expansion of detoxification facilities, more drug free areas and the provision of methadone maintenance. The provision of addiction counselling support services is central to the plan. The plan builds on a medical policy that has been agreed between the Prison Service and the Eastern Regional Health Authority in that it seeks to provide the same access to treatment for prisoners as patients have within the community.
- 3.27 A Drug-free Unit has been in existence in the Training Unit in Mountjoy since 1996 and a Drug-free Unit at St. Patrick's Institution was opened in 2001. The recent Prison Service *Strategy Statement* sets as a target that all closed prisons will have a designated drug-free area by end-2003. While fully supporting this target, the Team wishes to emphasise that success in this objective will depend on reducing the ***supply*** of drugs entering the prison system, but also on reducing the ***demand*** for drugs and increasing ***treatment*** services within the prisons.
- 3.28 A pilot Drugs Court has now been in operation since January last. This provides a court-supervised treatment programme to those aged 17 or over who plead guilty or who have been found guilty of drug-related offences of a non-violent nature that would normally warrant imprisonment. A rehabilitation programme capable of being tailored to meet the individual needs of each offender, as an alternative to custody, is available to suitable offenders. A prison link system is also in place in Dublin and Cork prisons where counsellors liaise between the offender and the Local Drug Task Force in the area.
- 3.29 The National Drugs Strategy Team identified the following actions to be undertaken in the prison system over the 2001-2008 period:

- Continue to implement the recommendations of the Steering Group on Prison-Based Drug Treatment Services;
- Implement proposals designed to end heroin use in prison during the period of the Strategy;
- To expand prison-based programmes with the aim of having treatment and rehabilitation services available to those who need them including drug treatment programmes, which specifically deal with the re-integration of the drug-using offender into the family/community;
- Commission and carry out an evaluation of the Prison Strategy by mid-2004; and
- To expand the involvement of the community and voluntary sectors in prison drug policy via the on-going development of the Local Prison Liaison Groups and the formal meetings between the sectors and the Steering Group on Prison-Based Drug Treatment Services.

(Department of Tourism, Sport and Recreation, 2001: p.114)

- 3.30 The Team's focus here is on the implementation of a strategy to reduce drug misuse, particularly as it pertains to the penal system. While a lot has been achieved, much remains to be done to address what has been referred to as "the pervasive drugs culture" in some of our prisons. It is encouraging that the National Drugs Strategy 2001 - 2008 acknowledges the links between the prison system and drug abuse and develops action plans in this regard. The Team particularly supports the further development of drug treatment programmes that specifically deal with the re-integration of drug users into the family/community. However, the Team felt that recommendations from previous reports should be given further consideration and acted on more vigorously, for instance:

"All prisoners should have the option of being accommodated in a drug free prison unit. Such facilities should be available as a priority to young offenders..."

An individual drug treatment and rehabilitation plan should be offered to all prisoners who are addicted to opiates. This should take account of the social, educational and medical needs of the prisoners and consequently will require multi-disciplinary inputs."

(Long *et al.*, 1999: pp.32-33)

"Because of their everyday contact with inmates, prison officers are ideally placed to assist inmates to avoid or overcome problems associated with the use of drugs. It follows that a high priority should be accorded to effective drug awareness training of prison

staff, which would provide a basis for establishing constructive, helping relationships with prisoners.”

(Council for Europe CPT, 1999: p.40)

- 3.31 The Team would also like to draw particular attention to the need to have alcohol treatment services available to prisoners, as necessary, and as part of their Sentence Plan. In talking with prisoners and others it became clear to us that alcohol misuse is a serious cause of crime. It is important that a wide range of alcohol addiction treatments are available to prisoners (both in-prison and in after-care) so that they can use their time in prison to try to overcome the addictive behaviour that may have caused their offending behaviour in the first place. Findings from a visit by the Project Team to Harristown House, an addiction treatment centre managed and operated by the Probation Service, which takes referrals from the courts and is situated beside Castlerea Prison, are reported below in Box 5.

Box 5

HARRISTOWN HOUSE, CASTLAREA, CO. ROSCOMMON

Harristown House was established in 1998 and is funded by the Department of Justice, Equality and Law Reform through the Probation and Welfare Service. It offers a six-week residential programme providing addiction treatment for up to 12 men at any given time. This is followed by a two-year aftercare support programme, involving the participants and their families.

Harristown House is unique in that it is the first programme of its kind operating within the Criminal Justice System (a similar residential programme does not exist for women). Participants are offenders who have appeared before the courts and where alcohol is shown to have been a major contributory factor.

The staff complement includes a Director and two Addiction Counsellors. The Management Committee includes local representation.

In its first two years of operation, the House received 166 referrals, two-thirds of whom were aged under 30 years, all had at least one Court appearance with a significant number (45 per cent) having already served at least one prison sentence for an alcohol and or drug-related offence. Of the 166 referrals received, 103 undertook placements – statistics on the outcomes are not yet available.

Source: Harristown House (2000)

3.32 **The Team recommends that:**

- **prisoners’ addiction (alcohol and substance abuse) treatment needs should be put in place as part of their Sentence Management Plan;**

- **the Health Boards should ensure that all prisoners on drug treatment programmes in custody have this programme continued immediately on release. This will involve the provision of extra community-based drug treatment places;**
- **partnerships between stakeholders in the prison system and in the community should be further developed; and**
- **on release, flexible methadone distribution systems should be introduced to ensure stable users are able to take up and keep employment.**

A renewed impetus is required to bring forward strategies to reduce drug misuse among prisoners. The Team agreed that the Steering Group on Prison Based Drug Treatment Services was best placed to oversee the implementation of these initiatives within the Prison Service. However, the Team also felt that the composition of the Steering Group (which currently does not include representation from the community and voluntary sector) should be kept under review and innovative ways of undertaking on-going consultation with prisoners themselves should be explored.

Supporting the Prisoner on Release and Organising After-care

- 3.33 Post-release supervision and support are essential if individuals are not to resume criminal activity on their return to the community. The Team's consultations found that too often prisoners were discharged without suitable accommodation or work, unsupervised and unsupported. After a period of imprisonment, prisoners are suddenly confronted again with the problem of organising their lives. In this context, relapse into drug and alcohol misuse and crime become increasingly likely. Again the Team is not the first to identify this problem. Almost twenty years ago, the National Economic and Social Council recommended that:

"Improved post-release facilities be provided for prisoners including: improved co-ordination with social welfare officers so that the releasee is not rendered destitute on release; increased funding for the provision of hostels for homeless ex-prisoners, particularly by voluntary and community organisations; increased use of part-time release to allow arrangements to be made for a return to society."

(National Economic and Social Council, 1984: p.20)

- 3.34 The Team found that these structures are developing (some of which are outlined in Section II and Annex V), but the pace of development is overly slow and integration between prison-based and community-based services needs to be further developed. Prisoners are still being released with insufficient post-release supports. Where supports exist, there is at times confusion and lack of co-ordination between the different bodies involved.

- 3.35 We now turn to examine the institutional reforms that are necessary to spear-head and implement the above wide-ranging packages of proposals. We begin by examining institutional reforms, which focus mainly on in-prison issues and later turn to the wider picture of supporting policy formulation, monitoring and implementation.

Institutional Reforms

Sentence Management Plans

- 3.36 **The Team recommends that:**

- **all prisoners under sentence should have a comprehensive Sentence Management Plan developed on committal by a multi-disciplinary team with the cooperation of the prisoner and in consultation with other stakeholders;¹²**
- **prisoner re-integration should be a key goal of the Plan;**
- **information on the offender and the crime committed should be made available to the prison within at least seven days of committal;**
- **Victim Impact Statements, where available, should be taken into consideration during the prisoner's Sentence Management Planning process;**
- **the Plan should be directed at preparing the prisoner for eventual release and should be monitored on a regular basis;**
- **the system itself should also be subject to independent monitoring and evaluation; and**
- **mechanisms should be put in place to facilitate the sharing of best practice in relation to sentence planning across the prison system, including international experience and best practice.**

- 3.37 Here, we try to map out the different ways in which a Sentence Management Planning System might best be implemented. The absence of a body invested with primary responsibility for the re-integration of prisoners is a key weakness in the present system. Such a body could take the lead role in the implementation of Positive Sentence Management. Three alternative ways to achieve this are now outlined and summarised in Table 3.1.

- 3.38 Before doing so, however, some indication of the number of personnel required to implement such a service and their remit is warranted. Given the highly disadvantaged nature of the client group, and the need for intensive

12. A separate form of management planning may be necessary for prisoners on remand.

one-to-one work and possible post-release follow-up, it is estimated that a staff:client ratio of 1:25 would be required.

- 3.39 Sentence Management would focus on those with sentences of over 6 months and all repeat offenders in particular. The level of resources provided should reflect the importance attached to prisoner re-integration. In this regard, consideration should be given to the establishment of a dedicated re-integration budget, which would be fixed at a percentage of the overall prison budget. An amount in the region of 5-10 per cent of the overall prison budget (*viz* £10 - 20 million) has been suggested to us by experts as appropriate. This money would be used both in the prison and wider community to finance additional needs identified in the Sentence Plan, in the period coming up to release, (for example, education and training, initial accommodation costs and other re-integration costs).
- 3.40 The **First Option** is the Prison Officer. The advantages of this approach is that there are already sufficient Prison Officer posts in place to implement such a management system and they have a presence in the prison on a 24 hour 7 day a week basis, so making them readily available to prisoners. However, Prison Officers lack the necessary training to do this type of work. (The Team was informed that 90 per cent of recent recruits to the Service now have third level qualifications). To undertake a re-integrative role, Officers would need to develop greater links with agencies outside the prison. Moreover, this type of work would require a fundamental change in prisoner/Prison Officer relationship, as it is currently primarily based on the need to ensure security and confinement and would need to shift to one more focused on re-integration.
- 3.41 Some of these problems can be addressed, through a change in induction training and the development of appropriate in-service training, for example. The more difficult area to address relates to the personal relationship between Prison Officer and prisoner. The implementation of the Connect Project (see Annex V) shows that Prison Officers can play a more developmental role, but this role may not be the preference of all Officers. One alternative would be to introduce a new Resettlement Stream within the Prison Service, to take responsibility for implementing Sentence Management. Resettlement Officers would be given specific training and would have a career path similar to Prison Officers, but their primary role would be in relation to re-integration rather than confinement.
- 3.42 A **Second Option** is that the Probation and Welfare Service within the prisons be charged with implementing Sentence Management Planning. This has the advantage that these Officers have good links with local communities and have a more comprehensive training compared to Prison Officers. Their current

work within prisons also includes co-operating with the relevant authorities, the offender, their families and others in implementing plans for resettlement. However, the current number of Probation Officers working within the Prison System is seriously inadequate to implement such an intensive planning system. It has also proved difficult in the past to recruit sufficient Probation Officers and the service lacks the level of cover given by Prison Officers. In addition, given that prisoners are locked in their cells a considerable amount of time (see 3.16-3.18 above), this limits Probation Officers' access to their clients.

- 3.43 The **Third Option** is the establishment of a new Body to specialise in prisoner re-integration. This has the advantage, which should not be underestimated, that the service could be tailored to specifically implementing Sentence Management. However, the disadvantages of a new service are firstly the time taken to establish such a Body (the Prison Service has taken over two years to establish to-date) and secondly, any new service would need to negotiate and establish its relationships with existing services. It may, in fact, lead to an unintended situation where re-integration is only undertaken by the new Body, when in fact a more holistic approach is required. The establishment of a new service would require considerable political backing to ensure its success.

Table 3.1 Options Regarding Institutional Reform

Lead Agency	Advantages	Disadvantages	Comment
Prison Service	<ul style="list-style-type: none"> • staff in place • flexible cover 	<ul style="list-style-type: none"> • training required • prison-based • prisoner attitudes 	<ul style="list-style-type: none"> • induction and in-service training could be introduced • new recruitment stream to focus on resettlement
Probation and Welfare Service	<ul style="list-style-type: none"> • prison – community links established • appropriate training 	<ul style="list-style-type: none"> • limited staff numbers • level of cover 	<ul style="list-style-type: none"> • increase staff numbers • flexible operating hours could be introduced
New Re-integration Service	<ul style="list-style-type: none"> • could be tailored to meet needs 	<ul style="list-style-type: none"> • time taken to establish new Body • relationship with existing services 	<ul style="list-style-type: none"> • political will needed to support the development of a new service

3.44 Much more detailed consideration and evaluation is needed of these options before any firm conclusion can be reached. **The Team recommends that the Department of Justice, Equality and Law Reform, in consultation with the Irish Prison Service, the Probation and Welfare Service and other stakeholders, should:**

- **prepare a report on the most effective institutional mechanisms needed to lead, oversee and implement a more proactive and effective Sentence Management within six months of the publication of this Report; and**
- **submit this for consideration to the Cabinet Committee on Social Inclusion.**

3.45 A similar approach to this was adopted in the case of the Forum's Report Number 4. *Ending Long-term Unemployment* (1994), which resulted in the introduction of the Local Employment Service.

Prison Inter-Agency Group

3.46 This institutional reform is needed to the day-to-day management and planning of each prison and, in this regard, **the Team recommends that:**

- **an Inter-Agency Steering Group should be established in each prison, including representatives from the relevant stakeholders (including: Prison staff, Probation and Welfare Service, in-prison and community-based Education, Training and Health staff, Chaplains) to facilitate the development of a more integrated approach to prisoner rehabilitation and re-integration;**
- **each Steering Group should undertake an audit of current practices, identify barriers to re-integration;**
- **strategies to overcome these barriers should then be developed, implemented and evaluated;**
- **strategic partners in the community should be identified by the Group to assist in its work (including post-release and family supports);**
- **each Group should submit an annual progress report on its plans to the Prison Service Re-integration Group recommended in 3.48; and**
- **prisons should share their experiences and develop best practice.**

Supporting Policy Implementation

3.47 In the previous sub-Section, the Team concentrated on the development of new structures *within* the prison system so as to prepare and oversee the

implementation of a more comprehensive and integrated service. These structures also need to be complemented and supported at a broader national level.

3.48 The Team recommends that, the Prison Service should establish a Re-integration Group of key interests at a national level to devise, monitor and evaluate a prisoner re-integration strategy to inform the work of the Inter-Agency Steering Groups recommended in 3.46. Membership of the Group should be wide-ranging, at a senior level and include representation from the relevant Social Partners. It should design and monitor the implementation of a package of measures to address prisoner re-integration, including:

- dissemination of information on best practice in re-integration services (including in-prison, community-based and prison/community linked services);
- ways to encourage the involvement of the victims of crime in restorative justice programmes;
- a review of prison regimes to identify any necessary changes to make them more re-integration friendly;
- needs of particular prisoners (e.g. young offenders, women, those from ethnic minority groups);
- A Sub-group should examine issues relating to sentence management, in-prison treatments and post-release supports for sex offenders, as a priority;
- an attitudinal change strategy – targeted at key specific groups, such as: the public, employers, service providers, etc.;
- ways to encourage the involvement of the families of offenders in the re-integration of offenders (including extended or more flexible visiting times for those who have to travel longer distances, e.g. from rural areas); and
- the identification of other barriers to re-integration and the development of appropriate solutions.

The Group should report to the Minister for Justice, Equality and Law Reform through the Prison Service, and their Annual Report should be incorporated into the Prison Service Annual Report.

3.49 There is also a wide range of voluntary organisations working in the area of prisoner re-integration. In some cases, umbrella organisations exist, for example in the case of ex-prisoners released under the Good Friday Agreement, but these are the exception rather than the norm. The Team felt that the lack of such a central umbrella organisation was a weakness in policy

formulation and implementation and **recommends that the Department of Justice, Equality and Law Reform should:**

- **give greater recognition to the role of voluntary and community organisations;**
- **develop mechanisms to bring lessons from the community and voluntary sector to the national policy arena; and**
- **support the development of an umbrella voluntary and community organisation to access the experience of interest groups and feed into policy formulation and implementation.**

3.50 Furthermore, the Team would also like to stress here that ex-prisoners themselves, who have been through the system and are familiar with all the pitfalls, have a very valuable role to play in helping others to re-integrate on release. **The Team recommends that the Department of Justice, Equality and Law Reform should add the category “*offender peer support work*” to their list of financially supported voluntary and statutory organisations.**

Conclusion

3.51 In conclusion, we are recommending a radical refocusing of the way prisoners are managed within the prison system and the development of new institutional mechanisms and structures from local to national level to ensure that the changes identified are implemented without any further delay and are subject to on-going monitoring and evaluation as to their effectiveness.

3.52 In the next three Sections of our Report, the penal process is examined. In Section IV, we examine prevention measures – non-custodial options. In Section V, we return to examine the workings of the prison system and in Section VI, we focus on pre-release and post-release supports.

Section IV

Non-Custodial Options

Non-Custodial Options

Outline of Section IV

4.1 One of the best ways to promote re-integration is by reducing a person's risk of marginalisation in the first place. The State has a key role to play in this regard. While imprisonment is a necessary response in certain circumstances, and this will remain the case, the Team concentrates in this Section on strategies to try to reduce the numbers of those committed to prison. Three broad approaches are outlined:

- prevent offending through better life chances;
- make prison a last resort and encourage the use of non-custodial options; and
- further develop restorative justice approaches.

Prevent Offending Through Better Life Chances

4.2 There are strong indications that crime and poverty are linked in a number of ways (Bacik *et al*, 1997; O'Mahony, 1997; National Crime Forum, 1998). There is an over-representation of economically-deprived communities in our prison population, there is a concentration of drug problems in our inner-city communities and some of our most marginalised communities experience chronic crime problems. However, as outlined in a submission to the Team this:

".. does not imply there is a culture of crime in certain communities. Rather crime is a symptom associated with the breakdown of social bonds and social capital in these areas."

4.3 O'Mahony's (1997) study of the prison population in Mountjoy, for example, found that most of the prisoners included in the survey came from disadvantaged areas, lacked educational qualifications and were unemployed prior to their committal. McCullagh (1996), however, has argued that the bulk of crime is not committed by the working class and that white-collar crime has not received sufficient public attention, goes unnoticed or unpunished. O'Donnell, drawing on available data concluded:

"Overall then, we know from the criminological literature that virtually everyone breaks the law and many people appear before the courts and are convicted of a criminal offence. However, the characteristics of those sent to our prisons are

monotonously similar and speak of a catalogue of disadvantage. It is difficult to say to what extent the consistency in the characteristics of those incarcerated in Ireland reflects a genuine difference in criminal activity among the poor, or is a result of differential reporting, policing, prosecuting and sentencing. What does seem clear is that the justice system does not respond with equal vigour to all crimes. Indeed, there is little evidence that the white collar and corporate criminals feel its wrath. This is a serious source of unfairness.”

(O'Donnell, 1997: pp.146-147)

- 4.4 A key lesson that emerges from these research findings is that, while not denying the importance of personal responsibility, addressing social and economic disadvantage is crucial to tackling crime, particularly in the areas of drug misuse, educational disadvantage and unemployment. In recognition of this, the **Team recommends that the category of “prisoner and offender” should be included and assisted in all relevant strategies and social inclusion programmes (such as the National Development Plan and Anti-Poverty Strategies, and at a local level in, for example, County Development Plans and the priorities of the RAPID¹³ Programme and the CLÁR Initiative¹⁴), particularly in the areas of educational disadvantage, substance abuse, health, accommodation and unemployment.**

Young People and Re-integration

- 4.5 The *National Development Plan 2000 - 2006* identified the importance of early intervention to break the cycle of disadvantage that, in some cases, can lead to economic deprivation, homelessness and criminal behaviour. Over the period of the Plan, a sum of £302.4 million (€383.9 million) will be spent on the following proposals:
- National Voluntary Youth Work Organisations on projects designed to develop young people as effective members of their communities;
 - Youth Information Centres;
 - Young People's Facilities and Services Fund to support the development of youth facilities and services in disadvantaged areas experiencing, or at risk of experiencing, significant drug problems;
 - Special Projects for Disadvantaged Youth aimed at facilitating the

13. RAPID stands for Revitalising Areas by Planning, Investment and Development. This Programme was included in the *National Development Plan 2000-2006* and focuses on the 25 most deprived urban areas in the country.

14. CLÁR (Ceantair Laga Ard-Riachtanais i.e. Programme for Revitalising Rural Areas) is a programme designed to tackle the problem of depopulation, decline and lack of services in rural areas by fast-tracking *National Development Plan* spending in 16 designated areas, with a budget of £20 million over two years.

development and social education of youth at risk of drug abuse, juvenile crime, homelessness, early school leaving and marginalisation;

- Early intervention programmes and substance abuse awareness programmes for young people who are at risk of early school leaving¹⁵ or have low educational achievements; and
- Projects in both urban and rural areas under the Garda Youth Diversion Programme.

- 4.6 In relation to the Garda Youth Diversion Programme (formally known as the Garda Juvenile Diversion Programme), this is a national scheme operated on the basis that younger offenders might benefit more through having their criminal behaviour dealt with by way of caution rather than prosecution. Since its establishment in 1963, the vast majority who benefited from a caution did not come to Garda notice again while juveniles (Garda Síochána, 1999: p.20). In 1999, some 7,844 juvenile offenders were included in the programme, mostly male (83 per cent). It is run by Juvenile Liaison Officers (JLOs), who may supervise the juvenile, liase with the family and make referrals to statutory or voluntary services, as appropriate. The new Diversion Programme will introduce restorative cautions into the system and a pilot scheme is currently underway in 40 locations. There are also 51 Special Projects co-ordinated by the JLOs, each with about 15 participants, based around the country.¹⁶
- 4.7 The Team welcomes and supports the above package of measures and programmes aimed at supporting the personal and social development of young people so as to prevent them drifting into substance abuse, unemployment and crime. It is important, however, that these measures are properly integrated, fully monitored and evaluated.
- 4.8 As was shown in Table 2.1 (above) in the region of one quarter of our prison population is under 21 years of age. This group should be a particular priority for the development of Sentence Management Plans, to ensure that time spent in prison is used to maximum effect so as to reduce the risk of re-offending. In our consultations with service providers in this area, the main issues that emerged related to literacy and education problems generally, addiction issues, the lack of self-development and the fact that some young people may be at high risk of homelessness on release. The importance of linking with young people before they leave prison and helping them to re-integrate was stressed.

15. The Forum has established a Project Team to examine the issue of Early School Leaving, which is due to report shortly.

16. The *Copping On* programme is another example of crime awareness work with young people at risk of offending. Established in 1996, its focus is the implementation of a crime awareness programme with early school leavers and young people at risk.

Social exclusion was identified as a key reason why young people end up in trouble.

- 4.9 A key objective for service providers in this area was to try to stop young people who may have one or two minor offences from going on to commit more serious crimes by helping them to become more aware of the consequences of their actions. In this regard, it is important that employment and education initiatives allow sufficient flexibility to ensure support for this very vulnerable group. For example, some discretion around age limits and other qualifying conditions should be allowed to this end. Annex V includes some details of projects (such as BOND and the Cabra Young Offenders Committee) dealing specifically with young people on release from prison.
- 4.10 It has also come to the Team's attention, in an anecdotal way, that many of those involved in criminal behaviour reach a critical stage in their life, often in their early to mid-twenties, when they may decide to give up their life of crime (for example on the birth of a child). A package of measures, similar to those outlined above, are of key importance for this group so as to support their decision to move away from criminal behaviour and address possible temptations and potential for relapse. Providing timely motivation and support and encouraging personal and life-skills development are crucial interventions for this group. 'Diversion' should, therefore, be something that is continuous, rather than available for a limited period of time and in a particular format.

Make Prison a Last Resort and Encourage the Use of Non-custodial Options

- 4.11 Research carried out for the British Home Office leads to the conclusion that while there is a strong relationship between trends in crime and economic change, the elimination of poverty will not lead to the eradication of crime (Field, 1990). This found that property crime tended to increase more rapidly during periods of reduced economic activity, while crimes against the person were more prevalent during periods of increased personal affluence. In short, people were likely to spend more time outside the home, in pubs and clubs, which are potential settings for interpersonal confrontations, during periods of prosperity. The fulcrum between property and personal crimes switches, therefore, during periods of the economic cycle.
- 4.12 While it is important to tackle poverty and enhance social inclusion, nevertheless, measures to deal with crime will still remain necessary. It is important that the measures put in place to punish criminal behaviour reflect the severity of the crime committed, but also encourage offenders to avoid further criminal behaviour. A clear lesson that has emerged from research and practice is that prisons do not perform well in relation to 'rehabilitation' – in

the region of three-quarters of prisoners on release go on to re-offend, for instance.¹⁷

- 4.13 In Section III, the Team outlined how our prison population is increasing, while at the same time recorded crime is on the decline. There is growing recognition that imprisonment may not be the best way to tackle crime, particularly less serious offences and that prison should only be used as a last resort for the most serious crimes. In this respect, the two questions which arise are:
- how well is this objective being achieved? and
 - what further actions are needed?
- 4.14 In Section II we outlined how our prison population per 100,000 people in the general population is in the mid-range compared to other EU countries. Table 4.1 overleaf shows, however, that our imprisonment rate per crimes recorded is one of the highest in the European Union, only surpassed by Portugal and Spain. It is almost triple that of England and Wales, and quadruple that of the Scandinavian countries. International variations in, for example: crime rates, the degree to which crimes are recorded and detected and sentencing practices are important in understanding these variations. It is not possible, however, to completely explain these differences.
- 4.15 International comparisons of sentencing, which include Ireland, are not available. A substantial number of those in Irish prisons are serving short sentences, with almost half of all adults receiving sentences of less than three months; in three-quarters of cases the sentence was less than one year. At any one time, in the region of one-in-five prisoners under sentence are serving sentences of less than one year's duration. For example, in 1996 (most recent figures) 15.5 per cent of all committals were related to non-payment of fines, (1,610 committals), most of whom would have served very short periods in prison.
- 4.16 The level of turnover in prisons is reflected in the trends in the prison population. Table 4.2 overleaf shows a steady rise over the years 1995-1999 in the average daily number of prisoners, but a reduction in the number of committals per year in the years 1998 and 1999. While comparable figures are not available for more recent years, it is understood that this trend has continued and may indicate a general shift towards longer sentences. However, given that slightly over a half of prisoners in custody and under sentence are serving sentences of three years or more, the figures also point to the fact that a

17. Data from England and Wales show that of 63,000 prisoners discharged in 1995, the majority were convicted again within two years, with a significant proportion being returned to custody. The rates were highest for young male offenders, with 77 per cent re-convicted and 52 per cent re-imprisoned. The corresponding figures for adult males were 53 and 30 per cent and for adult females 45 and 21 per cent (Kershaw *et al* 1999).

Table 4.1 Imprisonment Rates in the European Union, 1999

Country	Prison population	Number of crimes recorded by police	Prisoners per 1,000 crimes
Spain	44,370*	917,314*	48
Portugal	13,086	362,589	36
Ireland	2,741	81,274	34
Italy	51,427	2,373,966	22
Greece	7,525	373,680	20
France	53,607	3,567,864	15
Scotland	6,029	435,703	14
Luxembourg	386	26,957	14
Austria	6,877	493,346	14
Germany	79,666	6,302,316	13
Netherlands	13,231	1,152,100	12
England/Wales	65,594	5,301,185	12
Belgium	8,143	857,445	10
Northern Ireland	1,158	119,111	10
Denmark	3,496	494,191	7
Finland	2,389	372,207	6
Sweden	5,270	1,163,916	5

*1998 figures

Source: Barclay *et al* (2001).

Table 4.2 Trends in Prison Occupancy 1995 - 1999

	Average daily number of prisoners in custody	Total yearly number of committals
1995	2,121	9,928
1996	2,191	10,355
1997	2,422	11,429
1998	2,610	11,307
1999	2,769	10,699

Source: Department of Justice, Equality and Law Reform, 2000.

(1999 figures supplied by the Irish Prison Service).

considerable number of prisoners are committed for short periods of time, moving in and out of the prison system. We also know that the total number of people on remand has increased since the introduction of the Bail Act, 1997, which became operational last May, however data on the numbers on remand each year over the 1995-1999 period are not available and so it is not possible to comment in any more detail on trends in this regard.

- 4.17 Non-custodial sanctions mean that many of the problems associated with spending time in prison such as loss of family and social networks, employment and self-esteem and the dangers that imprisonment will increase a prisoner's contact with other more serious offenders are avoided. The high cost of imprisonment to the taxpayer is also an important consideration. In addition, there is considerable public support for non-custodial sanctions. In a recent survey of public perceptions of crime in Ireland, nearly three-quarters (73 per cent) of respondents believed that non-custodial sanctions, such as fines and community service, would be more fitting than custodial sanctions for certain crimes (McDade, 1999).
- 4.18 A policy framework is needed to reduce the number of committals to prison each year. Non-custodial options employed by the Judiciary include:
- A suspended sentence;
 - A Community Service Order;
 - A fine and/or compensation;
 - A Probation Order;
 - An Order to undergo treatment for substance abuse;
 - An offender may be supervised during deferment of Penalty;
 - Adjournment; and
 - Binding over to keep the peace and be of good behaviour.

The Expert Working Group on the Probation and Welfare Service (1999) called for the introduction of additional non-custodial sanctions, to include: Treatment Orders, Mediation Orders, Reparation Orders, Counselling Orders and Combination Orders. These additional non-custodial options have not yet been introduced as sanctions in their own right. As mentioned in Section II, the Children Act, 2001 makes explicit that custodial sanctions should be a last resort for minors.

- 4.19 **The Team recommends that:**
- **the Judicial Studies Board should take a lead role in the dissemination of**

information to its Members regarding non-custodial sanctions and the sharing of best practice (both Irish and international) in this regard;

- **the Board should have regular inputs from and consultations with the community and voluntary sector and academics;**
- **the provisions of the Children Act, 2001 (in relation to prison as a last resort and restorative cautioning) should be extended to adults, wherever possible, by legislative change;**
- **additional resources should be put in place to develop and evaluate these sanctions further;**
- **a public education programme should be developed by the Department of Justice, Equality and Law Reform to increase awareness of these sanctions among the public, the Social Partners and relevant organisations; and**
- **the Department of Justice, Equality and Law Reform should also develop an initiative in the schools in collaboration with the Department of Education and Science and the Gardaí to increase young people's awareness of issues relating to crime and punishment.**

Further Develop Restorative Justice Approaches

4.20 There is a growing interest in restorative justice as an alternative model of dealing with offenders. Restorative justice seeks to redefine crime, interpreting it not so much as breaking the law, or offending against the State, but as an injury or wrong done to another person. It encourages the victim and the offender to be directly involved in resolving any conflict through dialogue and negotiation. Thereby, the victim and the offender become central to the process with independent facilitators supporting a system that aims at offender accountability, full participation of both the victim and the offender and making good the wrong.

4.21 The Department of Justice, Equality and Law Reform, through the Probation and Welfare Service, currently supports two pilot restorative justice projects established in the last two years: the Victim/Offender Mediation Service, based in Tallaght, and the Nenagh Community Reparation Project. Both are managed by a partnership of local stakeholders in the criminal system and take referrals from the local courts.

- In the Victim/Offender Mediation Service, mediators meet separately with the offender and victim (if they want to participate) to explore what possibilities exist for reaching a settlement. Victim and Offender can meet face to face, with the mediator present, if they want to. When the process has reached its conclusion, the mediator provides a report to the

Probation and Welfare Officer who then brings it to the Court and the Judge makes a final decision on the case. The Project has a manager and administrator and there are nine victim/offender mediators. It has taken referrals from eight Judges and, in its first 18 months, has dealt with 32 cases.

- In the Nenagh model, on referral from the courts, the offender meets with a panel of four people: two representatives from the community, a member of the Garda Síochána and the Project Co-ordinator. The aim of the meeting is to allow the offender to express remorse and to try and agree a contract of reparation. Once agreed, the matter is brought to the Court for formal agreement and is adjourned for a specific period of time. On return to the Court, and if the reparation has been successfully fulfilled, the case is then disposed of. A Co-ordinator (who is the local Probation Officer) runs the project and there are 13 people on the panel of community representatives. The Project aims to deal with 24 cases in 2001 (its first full year of operation).

While these services have slightly different methods, their objectives are similar in that they challenge offenders to face up to their actions and to act constructively to make amends.

- 4.22 In addition to these projects, the Garda Síochána is supporting a pilot restorative justice scheme, operating in 40 locations around the country, focusing on juvenile offenders. These are currently being evaluated and the findings should be made available in the near future. Early indications from the Garda are that the general feedback is positive for both the victim and offender. Sixty-eight events have taken place and the offences include assault, criminal damage, larceny and nuisance calls.
- 4.23 These new initiatives have the potential to play an important role in breaking the cycle that leads from minor offences to serious crime and imprisonment. By making offenders take responsibility for their actions and become more aware of the effect of their actions on others, it is hoped that they will be less likely to re-offend. Restorative approaches also provide an opportunity for greater involvement by the victims of crime and the community more generally in addressing the wrong that has been done to them. In our consultations with Victim Support, they were very clear that while they were pro-victim this did not mean that they were anti-offender.
- 4.24 Justice must, of course, be applied in an even-handed way and the courts should not treat offenders differently depending on the particular attitude of the victim. It is also important that sufficient resources are made available to support the service, to train and support mediators, to facilitate community involvement and to undertake research and evaluation.

- 4.25 Equally, the public and the media should not consider diversionary and restorative justice programmes as ‘soft options’. These programmes should be rigorously applied, under the authority of the Court, involve the Probation and Welfare Service and any violation of conditions should be dealt with appropriately. Involving and informing the public (including victims of crime where possible) is crucial, as it is only through their backing that the alternatives to imprisonment will be accepted and further developed.
- 4.26 **The Team recommends that the Department of Justice, Equality and Law Reform should:**
- **continue to support restorative justice projects and that, in principle, additional projects should be established (subject to the evaluation findings of the two pilot projects);**
 - **the potential use of restorative justice practices and interventions in prisons, particularly in a pre-release context and as part of Sentence Management should be further encouraged; and**
 - **facilitate documentation of practice and outcomes and independent evaluation so as to share best practice and to develop understanding of the service (e.g. among the Judiciary and other parties within the criminal justice system; the community, voluntary and business sectors; education and youth organisations; and the general public).**

Conclusion

- 4.27 In this Section of the Report we have seen that poverty and crime are linked and that improving life chances have an important bearing on reducing crime rates. Even if poverty is eliminated this would not mean the end of crime (including white collar crime), however, and so a consensus on appropriate ways to punish those who wrong others is required. We argue that this consensus should view the involvement of the community as central in achieving reparation.

Section V

Promoting
Re-integration
by the way
Prisons Operate

Promoting Re-integration by the Way Prisons Operate

Outline of Section V

5.1 As mentioned in Section III, prisons serve four key functions: *Punishment, Deterrence, Reformation/rehabilitation* and *Incarceration*. Prisons are a reality, and a necessary response to serious criminal behaviour. It is important to be clear, however, that imprisonment is the punishment and that once a person is there, the State has a duty to ensure that offenders are treated with human respect. The challenge for the Prison Service is to minimise the risk of re-offending, when the prisoner returns to society.

5.2 Reducing re-offending might be achieved in a number of ways:

- by making prison as bad an experience as possible; this approach is of course unacceptable, as it contravenes human dignity, nor is there evidence that such an approach is successful, and it is inconsistent with Government commitments on equality and social inclusion;
- by keeping people in prison for as long as possible, which is very expensive to the tax-payer, but may be necessary in very extreme cases rather than the norm; and
- by ensuring prisoners have an opportunity to prepare themselves for participation in the community on their release; this means that the time spent in prison should be used as productively as possible to provide the skills needed to participate more fully in normal society on release. Motivating prisoners to avail of the services within the prison, as part of their Sentence Plan and in preparation for their re-integration back into society, is key. This approach is the one supported by the Team and is one of the themes underpinning this Report. As a submission to the Team pointed out:

“... it is unrealistic to expect that people will leave prison and start to lead a socially included, crime-free existence without any supports being put in place for them before they complete their sentence. Our experience has shown that many people leave prison and they are returning to nothing. When this is the case they have nothing to lose by re-offending and prison becomes a part of the pattern of their normal existence. It becomes a way of life. For this pattern to change interventions need to take place throughout the period of imprisonment and through the release from prison into the wider community.”

5.3 This following proposals are put forward:

- Plan re-integration from the beginning of sentence as norm;
- Upgrade training, education and treatment services while in prison;
- Develop the role of Prison Officers in re-integration;
- Prison regimes should prepare prisoners for their release (already covered in Section III); and
- Recognise the value of and support prisoner relationships with family members.

Plan Re-integration from the Beginning of Sentence as Norm

Prisoner Rights

5.4 As we have seen, one of the barriers to proper Sentence Management in the past was prison overcrowding and the subsequent use of temporary release to control prison numbers. The prison-building programme has now addressed these pressures, and this opens the way for better sentence planning as the norm. As outlined in Section III, the Team recommends that all prisoners entering the prison system should undergo a Sentence Management assessment on committal.

5.5 A non-statutory body (the Sentence Review Group) was established in 1989 to review the cases of long-term prisoners (excluding those on capital murder) after 7 years of sentence had been served. There were 44 cases reviewed by the Group in 2000. The Group advised the Minister in relation to the administration of long-term prison sentences, for example, the type of programme which should be put in place leading to release in an individual prisoner's case and, in the case of life sentence prisoners, to consider whether release under supervision should be aimed for. The Parole Board replaced the Sentence Review Group in 2001, and is to become a statutory body. The role of the Parole Board is also advisory and it would be useful if international models of practice were examined as part of the development of the statutory framework for this new service.

5.6 Currently if a prisoner feels that they have been treated unfairly, they can complain up through the prison system (from the Class Officer to the Governor), to the Visiting Committee, the Minister of Justice, Equality and Law Reform and ultimately to the Courts. It should be noted, however, that the Ombudsman, which has a mandate to examine and investigate the actions of public bodies, cannot investigate those relating to the administration of prisons or other places of custody.

- 5.7 A mechanism should be put in place to allow prisoners an opportunity to have unresolved grievances independently adjudicated, when they are in prison and are therefore the State's responsibility. This is important in recognition of the role of natural justice and also to maintain high regard for public service. Prisoners leaving the system with feelings of bitterness may find it difficult to trust other statutory agencies, which may in turn hinder their re-integration into society. A commitment has been made to establish a Prisons Inspectorate, but it has not been decided as yet whether the Inspectorate's role will include the resolution of individual cases.
- 5.8 **The Team recommends that the Department of Justice, Equality and Law Reform, in consultation with the Irish Prison Service, should:**
- **put in place an independent mechanism, similar to the Ombudsman, to adjudicate on prisoner complaints; and**
 - **develop a Charter of Prisoner Rights (including consideration of extending voting rights to prisoners), as is the approach nowadays being pursued under the Strategic Management Initiative in other public services, in conjunction with the current revision of the Prison Rules.**

Ethnic Minorities, including Members of the Travelling Community

- 5.9 It is important that our prison system acknowledges the cultural diversity of the prison population. In seeking to achieve this goal, all those involved in the system should be familiar with the issues arising and all prison services provided should be monitored to ensure equality of access, and that the impact of these services are positive for minority groups.
- 5.10 It is estimated that the number of foreign nationals in our prisons fluctuates between 3 and 5 per cent (96 and 160 prisoners approximately), many of whom are detained for short periods, pending resolution of immigration issues. In one of our prison visits we met with a group of these prisoners. They raised financial support as a particular issue. Prisoners receive £1 per day while in prison to cover incidental costs – toiletries, cigarettes, etc. Many prisoners receive additional support from their families; however, this is, understandably, more difficult for foreign nationals.
- 5.11 We do not have figures for the number of people from the Travelling Community in prison. Consultations with organisations representing their interests indicated that Travellers, and particularly Traveller women, are over-represented in prisons. More detailed data and research of the prison experiences of Travellers is required to aid policy development in this area, but particularly in regard to equality issues. It was indicated to us also that Travellers are likely to experience multiple discrimination, as Travellers and as

ex-offenders. One example of this, which was brought to our attention, is the issue of access to credit.

- 5.12 It is important then, in the development of Sentence Plans, that due consideration be given to cultural diversity and to the provision of targeted supports for particular groups.

Up-grade Training, Education and Treatment Services in Prison

Training and Education

- 5.13 Research has found that prisoners are often unemployed on committal and that they lack training and educational qualifications necessary to secure good employment on release. They may also lack the necessary personal development needed to be able to fully benefit from education and training, and so may need additional help in this area in the first instance. Imprisonment offers an opportunity to address these needs and research reviews indicate that employment-focused programmes that lead on to job placements or employment are the most effective ways to reduce re-offending. A submission received from an ex-prisoner included the following observation:

“The majority of persons to pass through the prison system return more than once. Recidivism is high and the majority of persons entering the prison system are unskilled and have a low standard, if any, of education. The only way to break the cycle of recidivism is to educate and train persons whilst they spend time in custody and to facilitate the continuation of education/training upon release.”

- 5.14 Interviews with those undertaking training in the Training Unit, Mountjoy, found that all had aspirations to have a good job, wanted to break the cycle of poverty, addiction and crime and to ‘make something of themselves’ on release (European Social Fund, 1998: p.148). The ESF evaluation concluded that training for prisoners is necessary in order to address the labour market disadvantages of prisoners and to redress the detrimental effects of prison, but also because of the wider social and economic benefits attached to reduced recidivism. However, it questioned the level of commitment to rehabilitative services in the prison system, given the lack of implementation of sentence planning and Positive Sentence Management.
- 5.15 The following characteristics have been identified regarding successful employment training programmes for offenders:
- flexibility, centred on the needs of the offenders;
 - integrated – i.e. training and education needs cannot be addressed in isolation;

- relevance to jobs and the labour market;
- pro-active links with employers; and
- co-operation between key agencies at a national, regional and local level.

(McCall, in WRC Social and Economic Consultants, 1999)

McCall also emphasised the importance of quality control of training services, the need for policy co-ordination and the need to get the issue higher up the political agenda to effect change.

- 5.16 An Education Service has been in operation in the prisons since the late 1960s. This is a partnership between the Department of Justice, Equality and Law Reform, Prison Staff, the Vocational Education Committees (VECs), the Public Library Services, the Open University, the Arts Council, the National College of Art and Design and a number of other public and voluntary groups.
- 5.17 Over 250 VEC staff are currently seconded to the prisons, and the Service costs in the region of £5 million (€6.4 million) annually. The Service is available in all prisons and engages more than half of all prisoners voluntarily in classes. It adopts an adult education approach, gives special attention to those with basic educational needs and aims to help prisoners to cope with their sentences, achieve personal development, prepare for life after release, and to establish an appetite and capacity for further education after release (Irish Prison Education Service, 2000: p.42).
- 5.18 The White Paper on Adult Education (Department of Education and Science, 2000: pp.175-176) noted that enhancing the relevance and diversity of provision within the Prison Education Service and strengthening the linkages between in-prison provision and that available for prisoners on release are key priorities for the sector.
- 5.19 **The Team recommends that:**
- **Prisoners' training and education needs should be considered as part of their Sentence Plan and should include self-development, education skills (including literacy and numeracy), training needs and career guidance;**
 - **Structured training and education, which would be certified and accredited by bodies such as FÁS, NCVA, the Department of Education and Science, etc., should be provided, where appropriate;**
 - **each Prison Business Plan should set targets for training and education services (for example: participation rates, literacy levels and range of services available), and these targets should be monitored and independently evaluated on a regular basis; and**

- **an independent evaluation should now be undertaken of the education and training services.**

5.20 Box 6 below reports on a Team visit to the education and training facilities in the new Midlands Prison.

Box 6

PROJECT TEAM'S VISIT TO THE TRAINING AND EDUCATION FACILITIES IN THE NEW MIDLANDS PRISON

The Team's visit to the Midlands Prison included a tour of the education and training facilities. When fully operational, the Prison will cater for 515 prisoners and it is expected that upwards of 300 will participate in education.

In the region of 40 teachers (half of whom will be full-time) will work there providing a wide range of courses, including: basic literacy skills, English, Creative Writing, Mathematics, Home Economics, Physical Education, Health Education, Music, Art, Pottery, Drama, Personal Development, Yoga, Business Studies, Accounting, Technology and Computer courses, Construction Studies, Sociology and Languages.

It is anticipated that, jointly with other services in the prison, the school will offer pre-release, and post-release programmes, addiction studies, thinking skills and parenting courses.

Prison Officers also run workshop-based training courses in welding, carpentry, painting and decorating, plastering, industrial cleaning and computers, for instance.

Many of the courses will be accredited (by FÁS, NCVA, the Department of Education and Science and the Open University).

Sources: Information note prepared by Sean Wynne, Head Teacher, Midlands Prison and Secretariat notes from visit 27th August 2001.

Treatment Services

i) Health

5.21 If prisoners are to be prepared to live law-abiding and rewarding lives, it is important to address their health care problems while they are in custody. Good health is central to good well-being and prisoners are entitled to a standard of care 'equivalent' to that available in the wider community. The recently published Prison Service *Strategic Statement 2001 – 2003* includes a commitment to ensuring medical and psychiatric care for prisoners are to a standard consistent with that which applies in the community generally.

- 5.22 Research recently undertaken on the general healthcare of our prison population found above average reporting of a long-term disability or illness which limited activity among prisoners, compared to the general population. Similarly, mental health problems were more prevalent among the prison population, compared to the general population, with nearly half of the male and three-quarters of the female prisoners included in the study assessed as likely to require some form of psychiatric treatment (Centre for Health Promotion Studies, 2000).
- 5.23 Improvements in the prison health service have taken place in recent years, with the recruitment of additional qualified health staff and the development of substance abuse treatment. However, health treatment (mental and physical) is still in need of further improvement and development. The Team has already recommended changes in the treatment of prisoners with mental health problems and substance abuse (Section III). In relation to the general healthcare needs of prisoners, **the Team recommends that:**
- **the forthcoming National Health Strategy should make specific reference to the health needs of prisoners, particularly those with psychiatric illnesses and those in need of substance abuse treatment;**
 - **Prisoners health needs should be considered as part of their Sentence Plan; and**
 - **Health partnerships between the Departments of Justice, Equality and Law Reform and Health and Children, the Prison Service, the Health Boards and relevant Social Partners should be further developed in the delivery of services in prisons and on release.**

ii) Sex Offenders

- 5.24 There are currently in the region of 400 prisoners serving sentences for sexual offences, accounting for about one in seven of all male sentenced prisoners. These prisoners differ from the general prison population in that they are older (70 per cent are aged over 30 years compared to 27 per cent of other male prisoners), are predominantly serving long sentences, generally serve their full sentence (less remission) and are less likely to be re-convicted.
- 5.25 Sentence Management and in-prison treatment are particularly important for this group of offenders. There are currently three forms of direct therapeutic intervention available to sex offenders within the prison service. The first two, Individual Counselling and a multi-disciplinary Thinking Skills Group Work Programme are open to a range of offenders (although demand outstrips supply), while the third one, an intensive Offence Focused Group Work Programme, is specifically targeted at sex offenders. Individual counselling is largely a demand-lead service, while the Thinking Skills Group Work focuses

on issues such as anger management, accepting personal responsibility for behaviour and relapse prevention. The Intensive Sex Offenders Treatment Programme is available in Arbour Hill Prison and the Curragh Place of Detention. Each programme can cater for up to ten offenders at one time and takes ten to eleven months to complete. The emphasis is on accepting personal responsibility for the offence and developing effective relapse prevention strategies for each offender. Participation on these programmes is voluntary.¹⁸

- 5.26 In Recommendation 3.48 (above) the Team recommends that a Re-integration Group at national level should be established by the Prison Service. A Sub-group should examine issues relating to sentence management, in-prison treatments and post-release supports for sex offenders, as a priority.

Develop the Role of Prison Officers in Re-integration

- 5.27 There are currently in the region of 3,300 Prison Officers working in the penal system. In Section III above, we looked at different models that could be used to implement an effective Positive Sentence Management system. Here, we focus on the day-to-day re-integration role that the Prison Officer can play. This role has been underestimated in the past – for example, a recent review of the penal system makes no explicit reference to Prison Officers (Vaughan, 2001). The Prison Officer has two main roles: one is a security role and the other is the welfare of prisoners. It should be recognised that Prison Officers work in pressurised conditions and, in some cases, given the poor quality of prisoner accommodation, work in an unpleasant environment. Following consultation with Prison Officers and having visited prisons and spoken directly to prisoners, the Team concludes that Prison Officers have an important role to play in preparing prisoners for their re-integration into society.
- 5.28 The introduction and development of Prison Business Plans should provide a framework to develop Performance Management and Development Systems within the prison system. The Prison Service *Strategy Statement* specifies that this will now be implemented for Prison Service grades by end-2002. The operation of performance systems is now commonly accepted within the Civil Service and the final phase (4 per cent) of the *Programme for Prosperity and Fairness* is payable to public service organisations operating them.
- 5.29 **The Team recommends that:**
- **in developing Performance Management and Development Systems, the Prison Officer's role in the re-integration of prisoners should be recognised and enhanced;**

18. The new Prison Service *Strategic Statement 2001 - 2003* sets as a target the introduction of a new multi-disciplinary sex offender treatment programme before end-2002. The programme will see Prison Officers directly engaged in co-delivering a structured rehabilitation programme for sex offenders.

- any necessary training and development required (induction and on-going) for them to enhance their skills in this regard should be identified and resourced (within existing budgets); and
- particular attention should be given to the development of inter-personal skills, counselling, communication skills, cultural awareness and anger management.

Recognise the Value of and Support Prisoner Relationships with Family Members

5.30 There are three main reasons to support prisoner/family contacts and for improving supports for family:

- it can help maintain prisoner morale while serving a sentence and also, linked to that, help to maintain order within the prison;
- families can play an important role in the rehabilitative process and the Sentence Management Plan, both in prison and post-release, and can offer considerable re-integration support to prisoners on release, both emotional and practical; and
- many prisoners have children, and on release will parent again, making it important that healthy family attachments are supported.¹⁹

In the Team's consultations, it became increasingly clear that support services for prisoner families need to be increased and further developed. The Team welcomes, therefore, the Prison Service's commitment in its *Strategy Statement 2001 - 2003* to examine, by the end of this year, the visiting hours and the potential for visits by appointment, including the possibility of Sunday visits. This review should also examine how visits can be tailored to suit the needs of those travelling long distances, for example from rural areas, as well as ensuring facilities are family-friendly.

5.31 To experience visitor facilities at first hand, the Team went to Mountjoy Prison, the Dóchas Centre (women's prison) and the new Midlands Prison. We saw the difficult circumstances in which family visits are undertaken in Mountjoy. The prisoner and visitor sit across from each other at a table, a partition of about shoulder height (when seated) separates them. The distance (and therefore privacy) between families varies depending on how busy the visiting area is. Visits are scheduled to last 15 minutes each, but can be extended if the centre

19. The Management Committee of the Visitors' Centre in Mountjoy Prison have commissioned the Centre for Social and Educational Research to undertake a Study on the Effects of Parental Imprisonment on Children, findings from which should be available by the end of the year.

is not too busy. Booths are available for visits with professionals such as lawyers and for special occasion visits with families. Crèche facilities are provided in the Visitors' Centre (outside the prison), but not in the prison visiting area itself. With approximately 8,000 child visits to the prison each year, this means that the prison visiting area can get very busy and noisy with children running around.

- 5.32 In the new Midlands Prison the bench style used in Mountjoy is repeated, but there is more room and privacy; the benches allow more space per prisoner and are partly screened off. Visits are scheduled to last 20 minutes. Screened visits are used only where considered necessary, for example, if there is a suspicion of drug smuggling. Individual booths are available for professional visits, for example with a solicitor, or by special request in certain family circumstances (e.g. a death in the family).
- 5.33 The visiting facilities in the Dóchas Centre seemed more relaxed in style, taking place at round tables, with a small child play area available. This should be considered as a model for future prison developments. Secure booths are available for more problematic visits.
- 5.34 An interesting innovation is that in many prisons now each prisoner is issued with a phone card with four pre-programmed phone numbers – the prisoner's solicitor and three of the prisoner's choice (subject to the agreement of prison management). Using the card, s/he is allowed to have one phone call of 6 minutes duration each day, which can be used to stay in touch with family members. The Team supports innovations such as this, which can act as a support to prisoners who want to stay in touch with their families.
- 5.35 The Team also met with the staff working in the Visitors' Reception Centre attached to Mountjoy Prison (a joint venture run by the Society of Friends – Quakers and the Society of St. Vincent de Paul). The lack of support for prisoners' families was one of the main issues raised by staff in the Centre. They were termed 'the forgotten families', and it was thought that they often do not seek necessary help because they feel ashamed of their circumstances. It was also pointed out that some families experience considerable travel expenses to make a prison visit, as they may have to travel from rural areas up to Dublin and stay over-night in a Bed and Breakfast. Longer visiting times for those who have to travel considerable distances to visit a family member would be one way to make these trips more worthwhile (see recommendation 3.48). Other prisoner families were effectively homeless, or had very insecure accommodation arrangements, while their partners were in prison. Family counselling was considered a key priority, but difficult to sustain.

5.36 **The Team recommends that:**

- **loved ones should be involved in or consulted regarding the prisoner's Sentence Management Plan, where appropriate;**
- **in each prison, the Inter-Agency Steering Group (see recommendation 3.46), following wide consultation, should develop a prisoner family support strategy, which would be incorporated into the Prison Management Plan;**
- **all visiting facilities within the prison system should have a range of facilities developed over time up to the standard of the Dóchas Centre, and include family-friendly facilities;**
- **prisoner families on low incomes should be given adequate financial supports to make regular (i.e. at least once every two weeks) visits and those travelling long distances should be allowed extended and flexible visiting times;**
- **all prisons should have an independently-run Visitors' Reception Centre; each Centre should have crèche facilities and refreshments and should be in a position to offer family counselling, information and support to family visitors; and**
- **Visitors' Reception Centres should consider developing out-reach services and post-release family supports, in consultation with other relevant bodies and as part of the Sentence Management Plan.**

Conclusion

5.37 In this Section of the Report we have focused on a number of practical issues relating to how prisons operate and what is needed to ensure that the ethos behind Sentence Management permeates every aspect of the day-to-day life of the prison system. The changes recommended are intended to ensure that prisoners have a clear plan of action from the beginning of their sentence and one that will route them back into mainstream society on their release.

5.38 We now turn to look at the bridge period between prison and community living, which is crucial in the resettlement of prisoners. This is the period leading up to release and the first few weeks thereafter.

Section VI

Promoting Re-integration: Pre- and Post-Release Strategies

Promoting Re-integration: Pre- and Post-Release Strategies

Outline of Section VI

6.1 It would be forgivable to assume that release from prison would bring great emotional relief to a prisoner. The Team's consultations found, however, that this can be a very traumatic experience, particularly for those prisoners who have been in prison for a long period of time and are effectively institutionalised, for example, those:

- who entered prison with unresolved family issues;
- who have a history of substance abuse; or
- who have no accommodation or training/employment in place on release.

In the words of one submission to the Team *“For many people, leaving prison is often the point where the formal judicial punishment ends and the real suffering begins.”* The first few days after release can, in fact, be extremely stressful, but are crucial in terms of successful re-integration into the community. Although prison release has become more predictable, the Team still found cases where people were released with very little support, little money, no accommodation and no official follow-up. Equally, it should be noted that a majority might not want to have any contact with the authorities on release.

6.2 In Section III of the Report, we outlined models to implement sentence management planning and in Section V we recommended changes to the way prisons operate to support re-integration. In this final Section of the Report, the focus is on the promotion of successful re-integration through enhanced pre- and post-release strategies under the following headings:

- Bridge pre- and post-release services in an integrated way,
- Further develop release supports for prisoners – particularly in the areas of counselling, accommodation and employment,
- Encourage greater involvement of all sectors of the community in prisoner re-integration (including: victims of crime, voluntary groups, employers and statutory agencies).

Bridge Pre- and Post-release Strategies in an Integrated Way

6.3 In Section III of the Report, the Team recommended that all prisoners entering the prison system should undergo a sentence management assessment on committal and that this plan should be monitored during the course of the sentence. The prisoner's successful re-integration back into society should be a core objective of this plan, and should be the central focus as the term of sentence comes to a conclusion. It is also crucial that all of the necessary services are more efficiently co-ordinated and working in an integrated way. In Section III, the Team recommended the development of a number of partnership mechanisms to ensure that such a service is provided. To complement this, **the Team also recommends that:**

- **out-reach offices ('one-stop-shops' idea), with a liaison officer / mediator on a part-time basis at least, should be provided in all prisons by statutory services such as FÁS, the Local Employment Service, the Health Board, Community Welfare Service, the Department of Social, Community and Family Affairs and the relevant Local Authority;**
- **these offices should also develop links with relevant local community services; and**
- **a strategic alliance should be developed between the Connect Project, the Linkage Programme and other employment initiatives, where possible, so as to facilitate more positive networking and co-ordination between in-prison and community-based initiatives.**

Temporary Release

6.4 One bridge to re-integration is the use of temporary release. While there is always a certain amount of risk associated with such releases, it is the generally accepted view that the risk to the community would be even greater if, in certain cases, attempts at planned re-integration of offenders were not made. The number of temporary releases granted has fallen in recent years, and is now less than 200 (from 550 in October 1996) at any given time. As outlined in Section II, the Criminal Justice (Temporary Release of Prisoners) Bill, 2001 aims to clarify the position in relation to the granting of temporary release. Examples of structured temporary releases include:

- *A programme of short-term releases*
 - In general such a programme might start with an outing with prison staff, the prisoner may progress to an outing escorted by the Probation and Welfare Service or a Chaplain, then an unaccompanied outing. The purpose of such a programme would be to reduce the effects of institutionalisation, help familiarisation with the outside world and meet with family or relatives.

- *Temporary release to attend work/training*
 - For example prisoners in the Training Unit, Mountjoy, and other prison institutions who are deemed suitable may attend outside workshops that provide work training and other skills to offenders. Examples of such workshops are in Ballinasloe, Tuam, Cork and the PACE facilities (Prisoners Aid through Community Effort) in Santry, Dublin.
- *Temporary release to attend residential treatment for alcohol or drug addiction*

6.5 During the Team's consultations with prisoners and ex-prisoners, it was evident that the switch from prison to life outside can pose particular re-integration difficulties and that structured temporary release as described above would be beneficial. **The Team recommends that:**

- **structured supervised temporary release should be the norm for most prisoners, particularly for those serving sentences of more than one year or repeat committals, as part of their Sentence Plan;**
- **half-way hostels should be available for those on temporary release, if required; and**
- **the Victim's Charter should be implemented regarding notification of temporary release.**

Prisoners with Particular Needs

6.6 Prisoners are not a homogeneous group and, as such, they will have different re-integration needs. Here, the Team raises re-integration issues for three different groups: sex offenders, women and republican ex-prisoners.

Sex Offenders

6.7 Post-release supervision is particularly problematic in the case of sex offenders, where it may have a positive impact on reducing the likelihood of re-offending. The Sex Offenders Act, 2001 provides for a new system of post-prison supervision for these offenders. This will enable the Courts at the time of conviction to sentence a sex offender to a determinate sentence with the latter part of it being served in the community under Probation and Welfare Services supervision. It is intended that the combined custodial and non-custodial periods will not exceed the maximum custodial sentence available for the crime committed. Accommodation also poses a particular problem for this group – due to public resistance to the provision of facilities in the local community and resistance also on the part of offenders to live in designated accommodation.

6.8 **The Team recommends that:**

- **the provision of post-release supervision arrangements for sex offenders, introduced on the enactment of the Sex Offenders Act, 2001 should be monitored by the Probation and Welfare Service and independently evaluated; and**
- **consideration should be given to extending similar forms of sentencing options (e.g. a period in custody followed by a period of intensive supervision) to other types of prisoners.**

Women Prisoners

6.9 There are currently in the region of 100 women prisoners in Ireland. Women prisoners on release can experience cumulative disadvantage. As one submission noted:

“... While women have the same resettlement needs as men, these are often compounded by childcare issues and other family responsibilities that women have and also by the fact that women face a double discrimination in the labour market as women with criminal records.”

Accommodation was identified as a primary concern for many women, with one submission reporting that in a survey they carried out in the Dóchas Centre in May 2000, one-third of the women described themselves as being homeless and needing supported accommodation when they leave prison. Childcare supports were also identified as extremely important for this group, and often the deciding factor in their ability to take up and keep employment, which in turn is important in reducing the risk of re-offending. The Team also met with two groups of women prisoners, and the main points to emerge are summarised in Box 7 below.

6.10 The Team also found an anomaly in the treatment of female compared to male prisoners. Both are entitled to 25 per cent remission for good behaviour. Those transferred to an open prison receive 50 per cent remission for the remainder of their sentence. However, there is no open prison facility for women, so denying them the opportunity to avail of the higher remission. Open prisons also have an intrinsic value in terms of preparing prisoners for release and aiding re-integration. **The Team recommends that consideration should be given to the development of an open prison for women.**

Republican Ex-prisoners

6.11 It was estimated by the groups we met with that there are in the region of 4,000 Republican ex-prisoners living in the South. In some respects, their needs are similar to other long-term prisoners in that they are likely to experience the

Box 7

PROJECT TEAM'S CONSULTATION WITH WOMEN PRISONERS

The key points to emerge from these consultations were:

- High levels of multiple disadvantage among women prisoners.
- Lack of suitable accommodation on release, with some of the women coming back into prison to avoid homelessness, for instance.
- A high proportion of women prisoners have children (staying with relatives or in care), which often intensified their post-release accommodation needs.
- Enthusiasm for the education and training facilities in the prison.
- Those who start a methadone programme in prison reported that they were unable to have immediate access to community-based methadone treatment services on release, which led in some cases to heroin re-use.
- Difficulties in accessing employment on release.
- Good relationship evident between prison staff and prisoners.

effects of institutionalisation and may find it difficult to renew ordinary family life on release, for instance. However, they can differ from others in terms of their (and others) understanding of the context in which they were imprisoned (and released) and the types of organisational supports that are available to them, should they choose to avail of them. The Team were told of the difficulties these ex-prisoners experienced in accessing P.S.V. licences, foreign travel, adopting children and accessing credit, for instance, as well as a reluctance by these ex-prisoners to avail of statutory services.

- 6.12 There is a developing network of support organisations for these prisoners that are supported as part of the Good Friday Agreement. In the Team's consultations with relevant groups, they recommended the establishment of a Task Force of Government Departments and relevant organisations to examine in more depth the issues relevant to these ex-prisoners; it is understood that this proposal has also been submitted to the Northern Ireland Assembly. Pending the outcome of these considerations, the Team emphasises the importance of policy makers and service providers recognizing in their work the differing re-integration needs of prisoners.

Further Develop Release Supports for Prisoners – Particularly in the Areas of Counselling, Accommodation and Employment

- 6.13 Four important areas of concern are identified here. While they are treated separately in the discussion that follows, this is for clarity purposes only as these needs have to be seen and addressed in a holistic way.

Counselling

- 6.14 If prisoners are to successfully re-integrate into mainstream society on their release, then it is important that they are given the opportunity to avail of any necessary counselling while in prison to deal with problems they may have. Psychiatric and psychological services are available to prisoners. However, when speaking to prisoners themselves, the Team became aware that these services could be further developed and improved, with some prisoners reporting very long waits to get an appointment, particularly in the area of alcohol misuse and family relations. **The Team** were not in a position to investigate this point further, but **recommends that a full range of counselling services should be provided and that these should be subject to on-going monitoring and independent evaluation. National targets should be set for access to counselling services.**

Accommodation

- 6.15 The problems faced by those who lack the resources to buy their own home are well documented in an earlier Forum Report (NESF, 2000). Finding suitable accommodation should be one of the priority issues to be addressed as prisoners are at high risk of disadvantage and homelessness on release.²⁰ A prisoner who wrote to the Team, summed up his experiences as follows:

“I have been in Mountjoy for twenty-one months and I have seen countless numbers of people who are homeless complete their sentence being released and within a couple of months I have met them back inside.”

Accommodation issues are complex for this group. They may not be able to return to the community from which they came or may have lost contact with their family, for example. Moreover, if they were on a social housing waiting list prior to committal, it is unlikely that they have been allowed to stay on the list and will have to reapply on release. They are also unlikely to have adequate financial resources to pay the market rate for private-rented accommodation.²¹

20. The Cross-Departmental Team on Homelessness is currently finalising a preventative strategy to target certain groups at risk of homelessness, namely those leaving institutional care, whether custodial or health related, and young people leaving care. This strategy is expected to be published shortly.

21. Following a Government decision in principle to develop a new local authority-based rental assistance scheme, a Planning Group has been established under the aegis of the Department of the Environment and Local Government to examine the issue of future rental assistance arrangements. Work of the Planning Group is at an advanced stage and the Group hope to conclude its report by the end of the year.

Even if this is not a problem, they may still experience difficulties in getting a landlord to accept them as tenants. Within the ex-prisoner cohort, particular groups whose accommodation needs are particularly severe include: women, sex offenders, single people generally and those with a history of substance abuse.

- 6.16 The Prison Service plans to build half-way house type units at Cork and Limerick Prisons for both men and women, which are expected to be completed by early 2002. A similar unit is planned for Mountjoy Prison as part of the refurbishment of the complex. The Service has also offered to donate, without charge, a number of sites to Dublin Corporation to provide sheltered accommodation to the homeless. More such units are needed for some prisoners, to be used for a few days immediately post-release until they get a more permanent arrangement in place.
- 6.17 There is also a limited number of voluntary groups providing accommodation for prisoners on release and they deal with a relatively small number of ex-prisoners at any one time. These groups have the potential to play a more central role in the provision of half-way houses, step-down accommodation and independent units.
- 6.18 A strategy for dealing with homeless offenders has been drawn up by the Probation and Welfare Service, including a proposal to develop a Directorate within the Service that would have responsibility for establishing partnership arrangements with the Local Authorities and Health Boards in the provision of accommodation for homeless offenders and sex offenders on a national level.
- 6.19 **The Team recommends that:**
- **The Probation and Welfare Service should establish a Directorate to deal with the needs of those who are homeless on release without delay;**
 - **other statutory agencies should be obliged to treat prisoners in need of accommodation as high priority cases, including that of facilitating them getting on Local Authority waiting lists while they are still in prison;**
 - **that Local Authorities should address prisoners' housing needs in their Housing Strategies;**
 - **the Department of the Environment and Local Government should develop policies to facilitate Local Authorities to establish partnerships with private landlords and the voluntary sector (such as PACE); and**
 - **a range of accommodation options should be provided, from supportive accommodation for those who have difficulty coping on their own to independent units.**

Employment

6.20 An INTEGRA Conference, drawing on the lessons from EU-funded projects working with ex-prisoners and ex-offenders, identified three key lessons regarding the inclusion of these groups in employment and society. These are:

- the need for co-ordinated actions on the part of a wide range of organisations;
- basic education as a platform for accessing mainstream education and training; and
- a strong system of support to enable ex-offenders to access employment.

(WRC Social and Economic Consultants, 1999)

It is this latter issue to which we now turn (examples of prisoner employment access initiatives can be found in Annex V).

6.21 The provision of employment is crucial to reducing the risk of recidivism. It should be recognised from the outset, however, that many prisoners on release are not 'jobs-ready' in that they may lack the necessary skills and confidence to secure and keep employment. Supported employment is, therefore, particularly important for this group as a stepping-stone to mainstream work. It is also important, that prisoners on release are provided with some financial resources to ease their re-integration. Furthermore, it has been brought to our attention that some ex-prisoners experience problems trying to open a bank account, as they may not have a gas or electric bill required by the banks to prove their identity. This can act as a barrier to them taking up employment where the employer pays by credit transfer.

6.22 The Department of Social, Community and Family Affairs operate two Employment Support Services, which recognise the difficulties ex-prisoners can face when attempting to re-integrate into the community. The Back to Work Scheme is designed to assist the long-term unemployed and other welfare recipients who are experiencing difficulties in accessing employment to return to the active workforce. The Back to Education Scheme is a second chance educational opportunities programme designed to encourage various disadvantaged groups to improve their skills and qualifications with a view to returning to the workforce. Both Schemes can now take into account periods spent in prison. The Department estimate that some 10 - 15 ex-prisoners per year avail of these two Schemes. However, the Team found some confusion among those consulted about the exact eligibility criteria for these Schemes. **It recommends that the Department of Social, Community and Family Affairs should:**

- **produce a comprehensive information leaflet on prisoners' options on leaving prison (including social welfare, training and education, health,**

accommodation and employment services) in consultation with other relevant Government Departments, Comhairle and voluntary bodies such as the Irish National Organisation of the Unemployed;

- **present the information in ways that will be user-friendly for those with literacy problems; and**
- **develop more proactive links with prisoners.**

6.23 In relation to employment, Ireland is the only country in the EU that does not allow for some form of ‘rehabilitation’ whereby mainly short-term prison sentences are considered spent after a period of time (i.e. an ex-prisoner does not have to declare this conviction, except in certain circumstances). Many of those the Team consulted mentioned this as a substantial barrier to gaining employment on release, especially in periods of high unemployment. There are two practical reasons why change in this area is now required:

- the Government has made available significant resources under the Connect Project to prepare prisoners for employment on their release. The effectiveness of this spending will be improved by reducing barriers to acquiring gainful employment, such as long-term prison records; and
- there is also a human rights issue here – once a person has completed a sentence s/he should not continue to experience discrimination for that crime.

6.24 Discrimination against a person on the grounds of their criminal record should only be permitted where the offence would be objectively incompatible with the requirements of the job. For example, people convicted of child sex offences could be refused employment involving contact with children or people convicted of fraud or embezzlement could be refused employment in positions of financial responsibility (Equality Authority, 2001).

6.25 **The Team recommends that:**

- **legislative changes and a system should be introduced to allow for criminal records to be expunged after a period of time, depending on the seriousness of the offence, the length of time since the offence and not re-offending in the interim period; and**
- **that the Employment Equality Act, 1998 should be amended to include protection against discrimination on the grounds of a criminal record.**

6.26 Those with criminal records are also barred from employment in the civil and public services. This leads to the following question: why should the private sector employ someone that the State sector has decided is not to be considered for employment under any circumstance? **The Team recommends**

that the bar on the employment of those with a criminal record in the civil and public services should be lifted, again depending on the seriousness of the offence, the length of time since the offence and not re-offending in the interim period.

- 6.27 A postal survey of 200 employers in the Dublin area, carried out as part of the Connect Project evaluation (Lawlor *et al*, 2001: pp.40-41) found that only half (52 per cent) of those who responded to the survey said that they would consider employing an ex-offender. This increased to 63 per cent if supports were provided (such as contact with the Probation and Welfare Officer). Most employers willing to employ an ex-offender mentioned low-level positions such as manual work, stores and warehousing and office work. Only 19 per cent of employers said that they would have to consider the qualifications of the person before considering them for a position. The evaluation stressed the importance of combating these negative attitudes and recommended a double-sided strategy to address the attitudes of employers as well as supporting ex-offenders to find and retain re-employment.

Continuing Education on Release

- 6.28 Continuing education is also important in increasing an ex-prisoner's employability. An Educational Trust, which is a cross-boarder initiative, is open to ex-offenders, ex-prisoners, or their immediate families, and offers support to those who want to avail of further educational and training opportunities on release from prison. It was established in Northern Ireland in 1995 and launched in the South in February 2000 and has the following objectives:

- to increase access by ex-prisoners and their immediate relatives to quality training and education, including third level education;
- to enable recipients to compete successfully for employment; and
- to enable recipients to channel skills, knowledge and experience back into the community and workforce.

The Trust receives funding from European programmes, statutory sources and private trusts. It does not replace any other support or entitlement available to applicants and supports a wide range of study from driving lessons to post-graduate courses. In the first year and a half in operation in the South, 79 applications for funding were received, of which 57 were successful, 10 were unsuccessful and 12 are pending or deferred. Two-fifths of successful applicants to the scheme in the South have completed their course to-date, a third of whom are in employment. The work of the Trust is currently being evaluated.

Encourage Greater Involvement of all Sectors of the Community in Prisoner Re-integration (including: victims of crime, voluntary groups, employers and statutory agencies)

- 6.29 As already mentioned, many prisoners come from disadvantaged areas and backgrounds. In Section IV, the Team stressed the importance of addressing social and economic disadvantage to reduce crime, but also pointed out that such a strategy will not eliminate criminal behaviour. It is important, therefore, that community-based strategies are in place to focus specifically on the re-integration of prisoners back into mainstream society on their release from prison. Such strategies would need to be multi-dimensional and include attitudinal change as well as relevant services and supports.
- 6.30 In achieving this aim it is important that all the relevant stakeholders are encouraged to participate, as appropriate – prisoners and their families, the victims of crime, voluntary groups, statutory agencies, local employers, trade unions, the religious, etc. The focus of this work should be on re-integration, making sure that the risks of re-offending are reduced. In this regard, the Social Partners, particularly employers, have a critically important role to play in promoting more positive approaches and attitudes among the community at large. This would also need to be complemented by actions at a local level, including, for example, Local Area Partnerships and the Local Authority Strategic Policy Committees.
- 6.31 Attention should also be paid to the potentially differing re-integration needs of those from different backgrounds – urban, rural, for example, and with different needs, for example substance abusers and sex offenders, or with different defining characteristics, for example, women, members of ethnic minorities, young people and Republican ex-prisoners.

Conclusion

- 6.32 Under the current system, many challenges face a prisoner on release. Their time in prison is likely to have left deep-rooted scars; release is likely to bring additional challenges in relation to employment, accommodation and resettlement, for instance. These must be actively addressed to reduce recidivism, but also to promote social justice. Otherwise, we are as a society setting people up to fail and we are missing an opportunity to improve the quality of life for everyone.
- 6.33 Responsibility for resettlement should not be pitched alone at the level of the individual or family, but needs to be shared by society at large and our social structures, especially at a local level. It should be remembered that the numbers involved are quite small and manageable in terms of the level of

public resources needed – about 3,000 people are in prison at any one time and about 5,000 covered by the Probation and Welfare Service. The greatest priority now must be the development of mechanisms to ensure that re-integration policies are planned, implemented and evaluated to ensure the highest quality services possible, in the best interests of both the individual and of society at large.

Annexes

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Annex II

Terms of Reference

Having regard to the Forum's mandate concerning social inclusion and equality, the Project Team will advise on the implementation and effectiveness of policies for the re-integration of prisoners into society.

In this regard, the Team will analyse relevant information, programmes and studies and will make recommendations regarding any necessary improvements to policies.

The Team will give particular attention to the following areas:

- Work and employment;
- Social welfare;
- Education and training;
- Accommodation; and
- Health (including in-prison treatments).

The Team will examine the personal, family and community supports prisoners need (pre- and post-release) to assist their re-integration into society. The particular re-integration needs of different types of prisoners will also be considered.

The Team will adopt a problem-solving approach, will consult with the various interests, both at national and local levels, and will complete its work in eight months.

April 2001

Annex III

Consultation List

Ms Bairbre Nic Aongusa, Department of Health and Children
Mr Seán Aylward, The Irish Prison Service
Dr Valerie Bresnihan, Irish Penal Reform Trust
Ms Linda Brown, FÁS
Ms Martina Buckley, Cabra Young Offenders After Care Committee
Chief Superintendent Catherine Clancy, An Garda Síochána
Mr John Clinton, Prison Officers' Association
Mr Thomas Clogher, Canal Local Employment Service Network
Ms Gemma Collins, Dublin Simon Outreach Project
Mr Kieran Connelly, Probation and Welfare Officer, Castlerea Prison
Mr Pat Conway, Northern Ireland Association for the Care and Resettlement of Offenders (NIACRO)
Ms Lisa Cuthbert, PACE
Mr Pat Doyle, BOND
Dr Rose Dugdale, Tar Ísteach
Assistant Commissioner Joe Egan, An Garda Síochána
Ms Nuala Ní Ghabhann, Exchange House, Money Advice and Budgeting Service
Ms Catherine Green, Bridge Project
Ms Mary Higgins, Homeless Agency
Mr Donal Hurley, Nenagh Community Reparation Project
Ms Mary Jackson, Department of Health and Children
Mr Ray Jordan, Department of Education and Science
Mr John Kilcommins, Probation and Welfare Service
Ms Evelyn Lane, Canal Communities
Ms Paula Lawlor, the Connect Project
Governor John Lonergan, Mountjoy Prison
Mr Tom Lonergan, Pathways Project
Mr Peter McCann, Department of the Environment and Local Government
Mr Thomas McCann, Irish Traveller Movement
Mr Paddy McGinn, Programme for Peace and Reconciliation
Mr Tommy McKearney, Expac
Mr Brian McQuaid, Fáilte Chluain Eois

Mr Paul Murphy, Prison Officer, Castlerea Prison
Ms Judy Quinnlin, Harristown House, Castlerea
Fr Peter McVerry
Mr Dermot Mahon, Canal Communities
Ms Anne Meade, Victim Support
Mr Ken Mealia, ROAD
Mr Jim Mitchell, The Irish Prison Service
The Hon Mr Justice Michael Moriarty, Judge of the High Court
Ms Rita Morrissey, Department of Social, Community and Family Affairs
Ms Sharon Murphy, Fáilte Chluain Eois
Mr Seán O Conghaile, Fáilte Abhaile
Dr Ian O'Donnell, Institute of Criminology, Faculty of Law, University College Dublin
Ms Ann O'Sullivan, Coiste na n-Iarchimí
Governor Paddy Powell, the Midlands Prison
Mr Tommy Quigley, Tar Ísteach
Mr Paddy Richardson, The Linkage Programme
Mr Mike Ritchie, Coiste na n-Iarchimí
Ms Ann Smith, Linkage Programme
Ms Kathleen Stack, Drugs Strategy Unit, Department of Tourism, Sport and Recreation
Mr Martin Tansey, Probation and Welfare Service
Mr Kevin Warner, Department of Justice, Equality and Law Reform
Mr Sean Wynne, Head Teacher, Midlands Prison

Annex IV

Summary of Written Submissions

In May 2001, the Project Team invited written submissions in the main national papers. In total 47 submissions were received. Most of these were received from voluntary organisations working with or on behalf of prisoners, ex-prisoners and their families (26). Submissions were also received from individuals with a particular interest in or experience of this area (8), local services such as Local Area Partnerships / Local Employment Networks / Mediation Services (8), Trade Unions (1), statutory agencies/ Government Departments (3) and other (1). A list of those who made a submission can be found at the end of this Annex.

The following is a brief summary of the main points raised in the submissions.

The Role of Prison and the Penal System

There was consensus in the submissions that prison was not an effective deterrent against crime and that it should be used only as a last resort. It was estimated that 77 per cent of prisoners re-offend on release in Ireland. Indeed, some submissions argued that prisons often make people worse and are of no benefit to society. As one submission put it:

“I have come to the conclusion that prison, as it is presently structured, is an unsatisfactory way of either preventing or resolving crime. It is patently not a deterrent, nor has it focused on individual needs until recent times ...”

Another submission captured the essence of many who wrote to us in recommending the following focus for prison services:

“The primary and overriding objective of the Prison Service, the Probation Service and indeed of the entire Criminal Justice System should be the successful re-integration into society of as high a proportion of offenders as possible. This involves not only the rehabilitation of the prisoner but also the modification of attitudes and the creation of suitable structures in society. It is a noble objective which calls for breath of vision, policy co-ordination between several different Government Departments and co-operation with the voluntary organisations that play such an important role in social cohesion.”

There were many suggestions made about how imprisonment levels could be reduced. Non-payment of fines was one such example of an offence for which people should not be imprisoned and where community sanctions or compulsory deductions from wages should be used instead. Week-end imprisonment was cited as a way of allowing

prisoners to keep their jobs and maintain links with their families, thereby making re-integration easier. Questions were also raised concerning the appropriateness of imprisoning those with mental health problems in the general prison system.

Some submissions called for the extension of restorative justice approaches to the adult population (the Children Act, 2001 puts restorative justice approaches on a statutory footing for younger age groups). It was acknowledged that this would require trained and experienced mediators.

The high level of disadvantage experienced by many prisoners was flagged by some submissions. Indeed one submission claimed that prison was the only hope for some people to get access to necessary services:

“Prison is clearly the only hope some people have of getting an education, for some we meet it is the only hope of getting medical attention and sadly for some even getting a clean bed and food.”

In this context, facilities for young people and anti-drug campaigns were identified as priorities for Government support.

The lack of penal research was raised in a number of submissions. Some specific research possibilities were flagged, including:

- gender differences in offending and re-offending (as women are less likely to offend and re-offend – research is needed to find out why);
- the effects of prison on prisoners and their families; and
- the experiences and needs of particular groups, the Travelling Community and Republican ex-prisoners, for example.

Improving the prison service data and records and evaluations of different projects and responses were also identified as priorities.

In-prison Strategies to Aid Re-integration

A clear message from the submissions was that prison time should be used effectively to ensure that prisoners are well equipped to re-enter society on release. Prisoners should be continually encouraged to participate in self-improvement courses of all kinds. This was not only to benefit prisoners themselves. It was pointed out that successful re-integration could save the taxpayer a considerable amount of money as incarceration costs in the region of £1,000 per week per prisoner. A charter of rights for prisoners was considered necessary.

There was a call for a change in the primary focus of imprisonment, from detention and security to rehabilitation and re-integration. In other words, minimising their alienation in the first place could help prisoner re-integration. A concrete example of how this could be put into practice was in relation to prison building design. Smaller prison units were proposed, contained within a prison compound with all the necessary security, but prisoners would be responsible for their own cooking, cleaning, laundry, etc.

It was felt that rehabilitation and re-integration strategies should be put in place from day one of a prisoner's sentence. It was stressed by a number of submissions that all prisoners should be assessed (i.e. educational, medical, psychological, etc.) on committal and an individual plan drawn up. Some suggested that a prisoner's family should be encouraged to be involved in this plan, where possible. Others argued that policies aimed at better integration must involve both the offender and society fully or they will mostly certainly fail. Prison Officers, it was suggested, should be trained in some form of rehabilitation, education or training activity, as much as possible. Career guidance should be available to all prisoners.

One proposal was that prisoners should be encouraged to change behaviour and to reform by reducing sentence length for those who comply. On sentencing, a Judge could specify a minimum/maximum sentence and the actual time serviced would be decided locally by a Rehabilitation, Reform and Re-integration Committee. This Committee could, for example, release someone to a recognised half-way house or adult fostering arrangement.

There was considerable comment regarding medical services in prisons – with all those offering a comment agreeing that more in-prison services are needed in relation to drug misuse, mental health, general health, counselling. Others pointed to the lack of services for disabled prisoners, for example those requiring physiotherapy. It was recommended that prisoners with serious mental health illnesses should be transferred to an alternative therapeutic ward environment in prison or a regular psychiatric hospital or clinic for treatment.

The establishment of a Prison Mental Health Service, which would have a statutory relationship with the courts system, the probation service and the prison authority, was proposed. As a general principle, it was felt that people with a mental illness should have a right of access to a fully comprehensive mental health service regardless of where they may be residing. It was stressed that psychotropic medication should only be used as part of the therapeutic process. More generally, providing linkages between in-prison and community-based services was stressed – for example, one proposal put forward was that prisoners should be offered a full medical prior to release and linked to a General Practitioner within the area they intend to live.

A considerable amount of crime is associated with drug use. One submission quoted a survey conducted in 1997 that found 43 per cent of those arrested for indictable crimes in the Dublin Metropolitan area were known hard drug users and they were responsible for 66 per cent of all crime in the area. The need for a comprehensive in-prison treatment service for drug users and follow-on in the community on release was stressed in a number of submissions. It was recommended that the drug treatment programmes in prison reflect the diversity that is available in the community, thereby giving the prisoner choice and continuity. It was also recommended that the prison steering group on drugs include community representation.

In addressing training and education needs in prison, literacy programmes were identified as a priority. It was estimated that three-quarters of prisoners have some degree of learning disability. The lack of training in trades such as plastering, carpentry, brick laying, etc, were also highlighted. Emphasis was placed on the need for prisoners to access programmes to support and enhance personal relationships, for example anger management, and that such courses should involve family members as well. Modular programmes, the need for accreditation and a consistency between in-prison and post-release training programmes were also flagged as important considerations.

The importance of maintaining family ties while in prison was identified as important in assisting prisoner behavioural change and also in helping them to re-integrate back into society on release. On a practical level, it was pointed out that some families may find it difficult to afford to travel to visit a family member in prison and a recommendation was made that financial help with travel costs be made available to such people. One submission highlighted the lack of privacy in some of the visiting facilities:

“... while there are ‘family friendly’ areas in the Dóchas Centre and the Curragh, the majority of prison waiting rooms consist of long tables where the families are on one side and the prisoners on the other, the distance between the two is such that communication is limited as everything can be overheard.”

The Mountjoy Prison Visitor Centre (which is based across from the entrance to the prison and is independently operated by the St. Vincent de Paul, St. Philip Neri Guild and the Dublin Quakers Services Committee) was suggested as a model for future developments in relation to visitor facilities, prior- and post-visit.

Successful Re-integration of Prisoners

A submission reported the preliminary findings emerging from some qualitative research with ex-prisoners’ and found that they associated re-offending with homelessness and public order offences, drug and alcohol use, unemployment and boredom, and the expectation from themselves, their peers and others that they would re-commit. On the whole, those interviewed said they did not feel prepared for release

and that they lacked information on where to go for advice on issues such as accommodation. Some reported leaving prison with no accommodation.

Accommodation was raised in a number of submissions as a key to successful re-integration. Many submissions felt that the current accommodation needs of prisoners have not been adequately addressed. One submission outlined how different types of prisoners require different accommodation supports on release. For instance: some might require a familiar and supportive environment, some may need to distance themselves from bad influences / peers, while others may not be able to return to their family home due to the nature of their offence. Another proposal was that the final part of a sentence should, where possible, be spent in a half-way house where the prisoner can continue social re-integration and where future accommodation issues can be addressed. Transitional accommodation, somewhere to sleep in the first few months after release, was identified as a priority. Purpose-built independent single units in areas of greatest need were proposed, as was the idea that accommodation in need of refurbishment be bought and then done up by ex-prisoners. Delays in providing accommodation caused by the planning system were raised:

“The Government’s response to the refugee crisis has shown that they can provide accommodation quickly when required, yet a voluntary organisation such as ourselves are subject to the whims of people who can appeal planning permission at the last minute on very flimsy grounds and delay us by nearly a year. The slowness of the State bodies in dealing with these issues only serves to make a bad situation worse.”

Access to money on release was identified as a second key to successful prisoner re-integration. Prisoners currently get a gratuity of £1 per day while in prison and it was recommended that this should be increased to at least £15 per week. Related to this, it was recommended that prisoners should be given money management advice while in prison and that social welfare should be set up for prisoners before they are released. Finding employment was considered by many of those who made written submissions as a key to reducing recidivism. The expungement of criminal records after a period of time, following treatment or for certain offences and reforming/abolishing the bar on prisoner access to civil service jobs were also raised. One specific proposal in this regard was that, unless the crime committed was directly related to the form of employment, the criminal record would not last longer than five years. A specific recommendation was that the Back to Work Allowance Scheme should be available to prisoners on release.

It was also felt that greater encouragement should be given to employers to recruit ex-prisoners. For example, they should be facilitated and encouraged to visit the prisons and observe training and education programmes in operation. Linkages between employers and prisons and/or probation and a mentoring service were also considered necessary. Some submissions felt that legislation outlawing discrimination on the grounds of being an ex-prisoner should be introduced in the Employment

Equality Act, 1998 or that employers should be required to demonstrate reasonable grounds for refusing to employ an ex-prisoner. Another recommendation was that Community Employment places should be made available to ex-prisoners as part of a wider resettlement programme. This would help them to build up a work record and references as well as helping to develop their work ethos.

The value of an integrated approach to release was raised in many of the submissions. For example, in relation to medication, social welfare payments, accommodation, training and education, the importance of a continuity of service on release was stressed. A one-stop-shop approach was proposed in a number of submissions – where those coming close to release would receive the necessary information and advice on employment, training, accommodation, grants/funding, support groups, etc.

Quite a few submissions mentioned that some ex-prisoners can be mistrusting of statutory agencies as a result of their time in prison, or they can lack the self-confidence needed to access the services provided. The role of the voluntary and community sector, therefore, was seen as crucial in accessing and/or providing services for this group. For long-term prisoners in particular, the time immediately after release was identified as a volatile time, and one when they and their families need support and counselling.

Post-release Supports

Peer support was recommended to help prisoners' re-integration on release, as was the idea of a dedicated key worker. There were different ideas about the role of this key worker – a befriending worker who would meet the prisoner on release and help them to get settled back into the community, a community based co-ordinator who would have a liaison / service navigator role or a jobs coach / mentor. The value of an independent advocacy service or advisor for prisoners, ex-offenders and their families was identified in a number of submissions. The establishment of a multi-agency and multi-stakeholder response at the community level in areas with a high number of people committed to prison was recommended. A key point here was the value of developing supports in prison that are then followed through post-release.

For those working with ex-prisoners, it was also felt important that they have an opportunity to network, debate and share knowledge. It was considered important that prisoners' needs be brought into the policy-making arena, through consultation with this group or direct involvement in partnership institutions and mechanisms.

The promotion of a greater understanding among the public of the impact of prison on prisoners and their families was highlighted as needing attention. Indeed, it was felt that public attitudes to ex-prisoners requires on-going attention. Sex-offenders were named as a case in point, but the more general point made was that re-integration requires changes on behalf of society as well as the ex-prisoner.

The media were also identified as a group that can have a negative impact on prisoners' ability to re-integrate on release. Legislation was called for to prevent prisoners being referred to as 'beasts', 'animals', and 'psychos' or 'evil' as it was felt that such language could only create a sense that people do not belong and consequently do not deserve to be re-integrated on release.

This concluding quotation, taken from one of the submissions, sums up many of the issues raised:

"The problem of re-integrating ex-prisoners into society cannot be treated in isolation. It must form part of an integrated and coherent approach to prisoner and prison management, which would include a reassessment of objectives, community involvement at every level, a change in emphasis from containment to correction and from restraint to rehabilitation. The prisoner's right to be protected from further degradation should be recognised and enshrined in legislation. Prisoners should be entitled to participate in planning their own rehabilitation. Innovation and experimental approaches should be encouraged as a normal part of everyday management of the criminal justice system and these should be thoroughly evaluated so that continuous progress is made over time. Every step in the process from sentencing policy, through to conditional and/or transitional release and the links into the community has a part to play in the successful re-integration of prisoners into society. Society itself must be conditioned and prepared to play a constructive part. Of course, there will be risks and mistakes, as there are with everything prison-related. Of course, there will be some smart operators who will succeed in abusing any new arrangements. These will have to be dealt with as they arise. On balance the situation should not be any worse than under the current regime and continuous evaluation and modification may be expected to lead to a steady improvement over time."

List of Written Submissions Received

Alternatives to Prison Spoke, the Wheel, Dublin

Bernard P. Leddy

BOND (Blanchardstown Offenders for New Directions) – included audio submission

Sam Bruce

Coiste na n-Iarchimí

Combat Poverty Agency

Cork Alliance for Justice & Social Care

Cork Community Development Board

Department of Social, Community and Family Affairs

Disability Federation of Ireland including submissions from the National Federation of Voluntary Bodies, Schizophrenia Ireland and the Sisters of Charity of Jesus and Mary

Dublin Inner City Partnership

Exchange House, Money Advice and Budgeting Service

EXPAC (Ex-Prisoners Assistance Committee)
Fáilte Chluain Eois
Joe Gallagher, Training Workshop in Horticulture
Helen Houghton
IMPACT, Probation & Welfare Officers Branch
Irish Commission for Prisoners Overseas
Irish Penal Reform Trust
Kairos/APAC Ireland
The Linkage Programme, Business in the Community
Local Employment Service Network, Drogheda
Local Employment Service, Togher, Cork
Matt Talbot Community Trust
Chris Miller
Paul Murphy
Nenagh Community Reparation Project
National Juvenile Office, An Garda Síochána
No name given
OPEN – One Parent Exchange and Network
PACE
Partnership Trá Lí
Pavee Point
People with Disabilities in Ireland, Ltd.
Portlaoise Prison, Chaplain's Office
Prison Chaplains attached to the Prison Service
ROAD (Rehabilitated Offenders Against Discrimination) including submissions from
Tony Hernon, Sean McMahon and Ken Mealia
Michael Ruane
Society of St. Vincent de Paul, Guild of St. Philip Neri
Society of St. Vincent de Paul, Prison Visitation Conference, Cork
Tallaght Partnership
Tar Ísteach, Belfast
Treo Port Láirge
Trust
Sr Caoimhin Ni Uallachain OP
Victim/Offender Mediation Service, Tallaght, Dublin
YMCA, Cork

Examples of Re-integration Initiatives

The purpose of this Annex is to document projects and initiatives that the Team encountered in the course of its work, to give the reader a sense of the types of work currently underway in prison and community settings.

BOND – Blanchardstown Offenders for New Directions

BOND was established in 1997 and aims to develop a community-based response to the needs of young people returning to the community from prison. A voluntary management committee made up of representatives of the community, statutory and voluntary agencies, manages it. BOND commissioned research in 1998 to define the needs of young people returning to the area, began offering a service to young offenders in early 2000, and has engaged with 32 participants since then. The project stresses the importance of voluntary participation. BOND focuses and directs participations to appropriate supports in the community – so its key role is to act as a bridge between the prison and the community-based supports. The following services are provided:

- an individual needs assessment;
- an individual personal plan to respond to the needs identified;
- intensive personal support, on a one-to-one basis, with the project liaison officer assisting the young person to move towards more independent living;
- information on a wide range of services and opportunities;
- programmes to meet needs identified that cannot be provided for by other services;
- advocacy; and
- on-going contact is maintained in the event that the young person is returned to prison.

These services are provided through three phases of involvement in BOND. In the *Getting Out* phase, potential participants are assessed for inclusion in the project while in custody. In the *Just Out* phase, help is given with immediate adjustment issues and keeping the focus on addressing the needs identified in the *Getting Out* phase. The *Staying Out* phase is designed to assist the young person avoid offending behaviour. Help is given to navigate the complex range of services they might need – accommodation, drug treatment and employment, for example.

The Bridge Project

Bridge was initiated in 1991 and is staffed largely by the Probation and Welfare Service and the City of Dublin VEC and works in partnership with FÁS, the Irish Youth Foundation, the Social Partners, the Judiciary and the Garda Síochána. It is an intensive probation supervision initiative in which young adult offenders from the Dublin area are engaged in a demanding community-based programme. Through the Programme the participants are enabled to reflect on their offending behaviour, develop life skills and strategies, to avoid re-offending, and explore future options in education, training and employment.

Bridge offers the following services:

- Young adult male and female programmes.
- The intensive probation supervision programme, which consists of three phases:
 - Phase 1 – orientation.
 - Phase 2 – group work and intensive one-to-one work addressing offending behaviour, addictions, anger management, etc.
 - Phase 3 – implementation of Personal Action Plan, access to education, training and employment, one-to-one support.
- Education Services – including literacy, numeracy, access to career guidance and a range of courses (NCVA, Junior Certificate).
- Employment Service – CV preparation, mock interviews, job search, Job Placement Service, Employer Support Service.
- Individual Support.
- Community Employment Service – it has an allocation of 11 FÁS CE places allocated through the North and South Inner City Drugs Task Forces.

Cabra Young Offenders After Care Committee

This recently established initiative was the brainchild of a local resident, working as a voluntary community worker in the Cabra area of North Dublin. The initiative is based on a piece of research 'Young People and Crime in Cabra' which found that most of the young people surveyed said they wanted help with training and finding work. A significant number (5 out of 30 respondents) indicated that they were unable to read or write. The aim of the after care programme is to ensure that any juvenile from the Cabra area who is serving time in prison will link in with an after care worker who will help to get the young person employment, re-education and training when they are released. A management committee of local stakeholders supports the project. Some form of support for the families of young offenders is also planned.

The Connect Project

The first stage of the Connect Project commenced in February 1998. It was European Union (Integra) funded and involved collaboration between the Department of Justice, Equality and Law Reform, the Prison Service and the National Training and Development Institute, part of the REHAB Group. The project involved considerable consultation and is research-based. It has been designed as an individualised, person-centred, employment and social inclusion initiative. The first stage of the course is the Option Programme, which is designed to provide personal development training and job seeking skills to participants. The programme is intensive – recruitment to the course involves a four-stage application process, participation is limited to 12 people per course and is run 5 days per week for 14 weeks. The second stage of the programme is the Vocational Needs Assessment and Individual Planning Process (IPP). The needs assessment identifies strengths and areas in need of development and feeds into the IPP. The IPP sets targets that are reviewed on an on-going basis by the participant and their IPP Mentor. The third stage of the project reviewed training programmes and workshop activities in Mountjoy Prison, the Dóchas Centre (women's prison) and the Training Unit. This review recommended the development of certified training programmes in some workshop areas and the need to standardise training practices and procedures across training programmes.

An evaluation of the Connect Project (2001) found that some 367 male and female prisoners have participated in the project to-date. The evaluation found substantially reduced recidivism rates among participants; even though some had previously been habitual offenders. Of the 140 participants who have undertaken the course and have subsequently been released from prison, only 8 have returned to prison – a recidivism rate of 5 per cent compared with an overall rate estimated at about 70 per cent among other prisoners. The project is currently being extended to the State's 17 jails, with a budget of £46 million, as part of the *National Development Plan (2000-2006)*.

The Team visited the Connect Project in Mountjoy Prison and also met with its National Co-ordinator, Ms Paula Lawlor and was impressed by the achievements of the project to-date. It would be important to ensure that this success will be maintained when the project is extended to other prisons. The involvement of Prison Officers in the Project was an important demonstration of their potential to play a more rehabilitative role within the prison system. The Team felt it important, where possible, to draw in expertise from other personnel within the prison and community-based agencies and initiatives.

Furthermore, the Team concluded that greater consideration should to be given to how the Project can be applied to short-term prisoners, particularly those who are in and out of prison on a regular basis, not-drug-free and to prisoners who are less motivated towards commencing a process of rehabilitation. Between 60-90 prisoners (10 per cent of the Mountjoy prison population) have applied for the 12 places on the Project in Mountjoy, which demonstrates the demand for the initiative among

prisoners. Consideration should also be given to the capacity implications of expanding the Project to cater for a larger number of participants at any one time.

Dillon's Cross Project

The Dillon's Cross Project is a pre- and post-release course available to prisoners and their families and is a component of the education service to Cork Prison, established in 1995. The project has received funding for a wide range of sources, including: Cork City Urban Ltd., Cork Area Partnership, the Department of Education and Science (Women's Education Initiative), the Cork City Drugs Task Force, FÁS, City of Cork VEC and the Department of Justice. Prisoners attend courses pre-release in the Educational Unit of Cork Prison and their families attend courses in an outside community venue. Modules in the following subjects are available: Childcare; Cookery; Carpentry; Computers; Communications; Boatbuilding; Personal and Interpersonal Skills; Literacy; Preparation for Work; and Work Experience. The provision of an education continuum from prison to community is central to the aims of the Project.

Accredited and non-accredited post release opportunities are provided, based on adult education approaches. The Project sees itself as being involved in community development. Special category Community Employment schemes are available to participants after the initial post release phase. Counselling is available for individuals, groups or couples. Funding has recently been agreed for the position of Post Release Services Co-ordinator on a pilot basis to assist the Project.

The Linkage Programme

One arm of the Foundation for Investing in Communities (established in November 1998 by employers and Government with funding from the Department of Social, Community and Family Affairs), the Linkage Programme, which was launched in December 1999, is managed by Business in the Community *Ireland* and funded by the Probation and Welfare Service. It has an annual budget in the region of £330,000 and has engaged with 374 people to end August 2001. Six Training and Employment Officers are based around the country. They prepare, plan, and implement training and/or employment placements for offenders referred to them by the Probation and Welfare Service, offering support before, during and after placement. Participants are placed in full-time employment, accredited training, further education or a Community Employment Scheme, depending on their requirements and abilities. The Training and Employment Officers also build up links with local employers and offer advice to participants who want to establish their own business. A particular feature of the Programme is that Officers help participants to plan their future while they are still in custody. The Programme has an 80 per cent placement rate to-date, with a little under two-thirds (60%) placed in employment, most of which is full-time, almost one in three on a training programme (29 per cent), and the remainder in a Community Employment Scheme (8 per cent) or full-time education (3 per cent).

The Team welcomes this initiative, as it recognises the importance of employment on release in reducing the risk of re-offending. The Team, however, feels that further work is needed with employers as a key target group in helping the re-integration of ex-prisoners and offenders. We discuss this in more detail in Section IV. The Team also considers that it is important that initiatives such as the Linkage Programme are fully evaluated and documented, as part of a wider strategy to promote best practice.

At a broader level, it is also important that initiatives such as the Connect Project and the Linkage Programme collaborate their efforts, to avoid duplication.

Moyross Probation Project (Céim Ar Céim)

The Moyross Probation Project, which opened in July 2000, organises training for work for young offenders and youths at risk between the ages of 15-25. Training is provided in the areas of numeracy, literacy, catering, computers, woodwork, pottery, arts and crafts, sport, life skills, outdoor pursuits, etc. It tries to help participants to integrate back into society, to take responsibility for their futures, and to provide a safe environment for them to explore their potential. There are currently 11 participants on the Project, with no vacancies and a waiting list of 10-15 people. By June 2001, participants had obtained fifty NCVA certificates in areas such as catering, computers and art and design.

The Project is run under the auspices of the Probation and Welfare Service, with the involvement of the Department of Social, Community and Family Affairs, the VEC and FÁS. A management committee, comprising representatives from the community along with voluntary and statutory sectors, manages it.

PACE

PACE was established in 1969 and works exclusively with offenders and ex-offenders. It currently consists of three projects:

- A residential home (Priorswood House) provides temporary accommodation for up to 22 homeless men who have recently been released from prison (currently being rebuilt). The aim of the Project is to provide a safe experience of independent living before the men move fully into the wider community. A two-tiered approach will be offered with high-support accommodation and more independent living transitional units being offered. An after-care programme is also being put in place.
- PACE Training for Employment project provides education and training for up to 24 individuals at any one time. Trainees are either on day release from the Training Unit or Mountjoy, on temporary or full release and living in the Priorswood House or in the community. Individually tailored training and education programmes are undertaken. The Project aims to

provide an opportunity for individuals to acquire vocational skills, to improve their literacy and numeracy skills and to be in a better position to secure employment.

- A Women's Resettlement Project is currently being developed, and aims to provide safe, supported accommodation for homeless women leaving prison to help them break the cycle of prison – chaotic periods in the community – back to prison. When fully operational, it is hoped to cater for 13 women plus a number of children at any one time. High-support shared accommodation and more independent-living apartments will be offered.

The Pathways Project

Based off Parnell Square in Dublin 1, Pathways is part of the City of Dublin VEC Educational Service to prisoners. It has a staff of 22, 9 of whom are ex-prisoners. The staff includes teachers, guidance counsellors, addiction counsellors, support workers, a secretary and a manager. The Project was initially funded in its pilot phase (1996-1998) by EU Integra but now is supported by the ESF through the Department of Education and Science. It offers respite, support and guidance to ex-prisoners in the crucial period after release. Services and activities include:

- a range of educational programmes, including drama, film and video production, Leaving and Junior Certificate, creative writing, computer studies, photography, digital imaging, web design, physical education, social studies, art, cookery and music;
- career guidance, personal and addiction counselling including referral;
- educational, training and employment referral;
- formalised peer support groups;
- phone help-line;
- a modular programme of personal development and pre-employment work (Start-up);
- talks to schools and youth projects on addiction and imprisonment issues (Wise-up);
- addiction studies – counsellors from Pathways teach addiction studies in prisons; and
- formalised support work and referral in relation to housing, social welfare and employment issues, with developed links to the relevant agencies.

During the pilot phase, 291 participants attended the Project, with a recidivism rate of 8 per cent among participants compared to an estimated national average at the time

of 70 per cent. In the region of 600 participants have registered with Pathways since its establishment. An average of 52 participants attend the centre each week. Pathways put considerable emphasis on ensuring the necessary support mechanisms are in place to enable the delivery of its education service to participants. Education is seen as an agent of personal development and of social inclusion.

Terms of Reference and Constitution of the Forum

1. The main task of the Forum will be:
 - to monitor and analyse the implementation of specific measures and programmes identified, especially those concerned with the achievement of equality and social inclusion;
 - to do so through consideration of reports prepared by teams comprising the social partners, with appropriate expertise and representatives of relevant Departments and agencies and its own Secretariat;
 - with reports to be published by the Forum with such comments as may be considered appropriate; and
 - to ensure that the teams compiling such reports take account of the experience of implementing bodies and customers/clients, including regional variations in such experience.
2. The Forum may consider such policy issues on its own initiative or at the request of the Government.
3. Membership of the Forum will comprise representatives from the following four strands:
 - the Oireachtas;
 - employer, trade unions and farm organisations;
 - the voluntary and community sector; and
 - central government, local government and independents.
4. The terms of office of members will be for an initial period of at least two years during which alternates may be nominated. Casual vacancies will be filled by the nominating body or the Government as appropriate and members so appointed shall hold office until the expiry of the current term of office of all members. Retiring members will be eligible for re-appointment.
5. The Chairperson and Deputy Chairperson of the Forum will be appointed by the Government.
6. The Forum will decide on its own internal structures and working arrangements.

7. The Forum will be under the aegis of the Department of the Taoiseach and funded through a Grant-in-Aid which will be part of the overall Estimate for that Department. The Annual Accounts of the Forum will be submitted for audit to the Comptroller and Auditor General.
8. Finally, the staffing and conditions of employment of the Forum's Secretariat will be subject to the approval of the Department of the Taoiseach.

Membership of the Forum

Independent Chairperson:

Maureen Gaffney

Deputy Chairperson:

Mary Doyle

(i) Oireachtas

Fianna Fáil:

Noel Ahern T.D.
Seán Haughey T.D.
Beverley Cooper-Flynn T.D.
Michael Kitt T.D.
Senator Margaret Cox
Senator Paschal Mooney

Fine Gael:

Gerry Reynolds T.D.
Paul McGrath T.D.
Bill Timmins T.D.
Senator Mary Jackman
Senator Therese Ridge

Labour:

Derek McDowell T.D.
Senator Joe Costello

Progressive Democrats:

Senator Jim Gibbons

Independents:

Michael Lowry T.D.

(ii) Employer/Trade Unions/Farm Organisations

(a) Employer/Business Organisations:

IBEC:

Jackie Harrison
Aileen O'Donoghue

Small Firms Association:

Lilian O'Carroll

Construction Industry Federation:

Mirette Corboy

*Chambers of Commerce/Tourist Industry
/Exporters Association:*

Carmel Mulroy

(b) Trade Unions:

Eamonn Devoy
Blair Horan
Jerry Shanahan
Manus O'Riordan
Joan Carmichael

(c) *Agricultural/Farming Organisations:*

<i>Irish Farmers Association:</i>	Betty Murphy
<i>Irish Creamery Milk Suppliers Association:</i>	Pat O'Rourke
<i>Irish Co-Operative Organisation Society:</i>	Seamus O'Donoghue
<i>Macra na Feirme:</i>	Eileen Doyle
<i>Irish Country Womens Association:</i>	Breda Raggett

(iii) **Community and Voluntary Sector**

<i>Womens Organisations:</i>	Gráinne Healy Susan McNaughton Joanna McMinn
<i>Unemployed:</i>	Tony Monks Joan Condon Mary Murphy
<i>Disadvantaged:</i>	Joe Gallagher Frances Byrne Janice Ransom
<i>Youth:</i>	Ciairín de Buis
<i>Older People:</i>	Paddy Donegan
<i>Disability:</i>	John Dolan
<i>Environment:</i>	Jeanne Meldon
<i>Others:</i>	Fr. Seán Healy Mary Murphy

(iv) **Central Government, Local Government and Independents**

(a) **Central Government**

Secretary-General, Department of Finance
Secretary-General, Department of Enterprise, Trade and Employment
Secretary-General, Department of Social, Community and Family Affairs
Secretary-General, Department of Tourism, Sport and Recreation
Secretary-General, Department of the Environment and Local Government

(b) **Local Government**

General Council of County Councils:

Councillor Constance Hanniffy
Councillor Tom Kelleher
Councillor Patsy Treanor

Association of Municipal Authorities:

Councillor Tadhg Curtis

County and City Managers Association:

Donal O'Donoghue

(c) Independents

Professor Gearóid Ó Tuathaigh, National University of Ireland, Galway

Ms. Marian Vickers, Northside Partnership

Ms. Helen Johnston, Surg Equipment Ltd.

Mr. Niall Fitzduff, Rural Communities Network

Ms. Noreen Kearney, Trinity College, Dublin

Secretariat

Director:

Seán Ó hÉigeartaigh

Policy Analysts:

David Silke

Laurence Bond

Sarah Craig

Executive Secretary:

Paula Hennelly

Forum Publications

(i) Forum Reports

<i>Report No.</i>	<i>Title</i>	<i>Date</i>
1.	<i>Negotiations on a Successor Agreement to the PESP</i>	November 1993
2.	<i>National Development Plan 1994 – 1999</i>	November 1993
3.	<i>Commission on Social Welfare – Outstanding Recommendations</i>	January 1994
4.	<i>Ending Long-term Unemployment</i>	June 1994
5.	<i>Income Maintenance Strategies</i>	July 1994
6.	<i>Quality Delivery of Social Services</i>	February 1995
7.	<i>Jobs Potential of Services Sector</i>	January 1996
8.	<i>First Periodic Report on the Work of the Forum</i>	June 1995
9.	<i>Jobs Potential of Work Sharing</i>	January 1996
10.	<i>Equality Proofing Issues</i>	February 1996
11.	<i>Early School Leavers and Youth Unemployment</i>	January 1997
12.	<i>Rural Renewal – Combating Social Exclusion</i>	March 1997
13.	<i>Unemployment Statistics</i>	May 1997
14.	<i>Self-Employment, Enterprise and Social Inclusion</i>	October 1997
15.	<i>Second Periodic Report on the Work of the Forum</i>	November 1997
16.	<i>A Framework for Partnership – Enriching Strategi- Consensus through Participation</i>	December 1997
17.	<i>Enhancing the Effectiveness of the Local Employment Service</i>	March 2000
18.	<i>Social and Affordable Housing and Accommodation: Building the Future</i>	September 2000
19.	<i>Alleviating Labour Shortages</i>	November 2000
20.	<i>Lone Parents</i>	July 2001
21.	<i>Third Period Report on the Work of the Forum</i>	November 2001
22.	<i>Re-integration of Prisoners</i>	January 2002

(ii) Forum Opinions

<i>Opinion No.</i>	<i>Title</i>	<i>Date</i>
1.	<i>Interim Report of the Task Force on Long-term Unemployment</i>	March 1995
2.	<i>National Anti-Poverty Strategy</i>	January 1996
3.	<i>Long-term Unemployment Initiatives</i>	April 1996
4.	<i>Post PCW Negotiations – A New Deal?</i>	August 1996
5.	<i>Employment Equality Bill</i>	December 1996
6.	<i>Pensions Policy Issues</i>	October 1997
7.	<i>Local Development Issues</i>	October 1999
8.	<i>The National Anti-Poverty Strategy</i>	August 2000

(iii) Forum Opinions under the Monitoring Procedures of Partnership 2000

<i>Opinion No.</i>	<i>Title</i>	<i>Date</i>
1.	<i>Development of the Equality Provisions</i>	November 1997
2.	<i>Targeted Employment and Training Measures</i>	November 1997

